STARVING FOR SCIENCE: David Cort

THE NATION

November 9, 1964 . . 35c

Criminals, Cops and The Constitution

Yale Kamisar

CHILE

Revolution of Good Intentions

Mark Wyman

SUGAR

The Market and the Supermarket

Desmond Smith

RALPH ELLISON: Peter de Lissovoy

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LETTERS

Racism in the Crescent

New York City

Dear Sirs: I dissent from Mr. Slattery's statement, "There were some lunch counter sit-ins, but nothing more serious," in William Ellis' "The Brain Ghettos" (*The Nation*, Oct. 19).

Before my retreat to New York, I sat-in a couple of times at Woolworth's in Huntsville. True, there's nothing very serious about being sprayed with insecticide or having the heat turned off and the air conditioner turned on in dead winter. . . .

It is serious, however, when one is kidnaped there at gun point, is driven out to a desolate country road, and sprayed with a painful chemical—and serious is the 10,000 years of fear experienced while riding to that forsaken spot, being blackjacked and threatened, envisioning a thousand deaths and mutilations. . . .

It is serious, perhaps, to civil liberties when the local police obtain permission to search your home (permission granted while deeply under the effects of morphine) for evidence against the kidnapers, only to confiscate personal belongings for *their* agitator files. And it is serious when the county solicitor subpoenas you to take a lie-detector test against the possibility . . . that the kidnapers were actually publicity-starved civil rights agitators. The result, of course, is much harassment and complete inability to catch the pranksters. . . .

No, contrary to Mr. Ellis' optimism, the Huntsville power structure is still committed to racism. His silly statement that the brainy scientist doesn't care about the color of his brother-in-law's skin, provided he speaks the secret language, is hogwash. Integrated circuits, yes; but an integrated South?

Marshall Keith

Cuban dream

Miami, Fla.

Dear Sirs: On reading Arthur Hoppe's "Cuba: The Girl and the Slogans" (*The Nation*, Oct. 12) I was struck by one outstanding fact. The people of Cuba (especially the young people) know exactly what they want and what they are trying to accomplish, and are willing to undergo any hardship or any sacrifice to achieve it. They also seem to feel that the only real obstacle standing in the way of their reaching this goal is the extreme hostile attitude and action taken against them by the government of the United States (not the people of the United States). . . .

If they could turn Cuba into the paradise they dream of, if given the chance, what do we have to lose? And if they are wrong and their dream backfires, who would want to follow their example? Until they are given the chance to sink or swim by their own efforts, who will know who is right and who is wrong? I sincerely hope that we will review our Cuban policy in the very near future. . . .

Reynolds Moody
Lt. Col. USMC (Ret.)

Clurman and Ionesco

Sunnyvale, Calif.

Dear Sirs: Apropos of Harold Clurman's two articles, "A Critic's Credo" (*The Nation*, Sept. 14 and 21), it is perhaps more than a little significant that this stimulating critic expresses a definition of responsible criticism which has much in common with the views of the playwright Eugene Ionesco, as expressed in the September *Encounter*.

Clurman states: "The critic's main job . . . is not to speak of his likes or dislikes as pleasure or distaste alone, but *to define as exactly as possible the nature of what he examines.*"

Ionesco agrees: "In applying himself to the description of the work, which he should understand in its most intimate functioning, the critic should not even say whether he likes or dislikes it. . . . *Description ought to be his only form of judgment; criticism is the registering of the reality of a work, of its logic; it is a task of verification and confirmation.*" (Italics mine in both cases.) *E. S. Rock*

Global poker

New York City

Dear Sirs: The mordant irony of the Chinese bomb for Americans is that it is exactly what we would have done in like circumstances. While military experts decry its delivery potential, and politicians and preachers bemoan its immorality, I cannot escape the suspicion that the man in the street harbors a secret admiration . . . for the underdog who fights back. In his simple credo, nothing stops a bully better than a loaded gun and he is uncomfortably aware, of late, that his Uncle Sam is swashbuckling dangerously around the world. . . . After all, he knows that 200 million white chips could never outbid 700 million red ones in a showdown. . . .

Lyndon Baines Johnson, a cool-headed hombre in a game of stud with the joker wild, understands this as well as most Americans. Now that he's done with electioneering, I think he'll let the Chinese into the "club" (in disguise and through the back door) and work out some rules that will make the game a little less suicidal.

Taylor Adams

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What Happened to the Dream?

The campaign now mercifully over was certainly the dirtiest thus far in the century which Henry Luce hopes will be remembered as the American Century. In its loathesome course this campaign disgusted the great majority of thoughtful Americans. In its strident reiteration of distortion and disparagement it was a caricature of democracy. If the world had ever been ready to accept us as a spiritual model, the chance disappeared in the three months preceding the election.

Campaigns degenerate in this fashion when the key issue is not raised or, if raised, is not discussed with any higher aim than to cadge votes. Yet the issue was there, and it was brought to the fore—and characteristically manhandled—by Barry Goldwater in his Madison Square Garden speech. "I believe in the great American Dream," said Barry. He then equated the Dream with freedom from government by the Democrats. He proved, and Lyndon Johnson proved it with him, how right Brooks Atkinson was to complain that neither man possessed "the power to exalt the nation."

Goldwater had a following among extremists, racists, fanatics and so on, but he was supported also by many decent conservatives and independents who sensed that something had gone wrong with the Dream and who thought it might be restored to its one-time purity by a candidate who ran on a platform of protest—and retrogression. They probably had not read W. Lloyd Warner's definition of the Dream in *American Life: Dream and Reality*, but it was something they felt even if they had never seen it in words. Warner put it this way:

> *The American dream is not a mere fantasy that can be dismissed as unimportant to those who think realistically, for it does provide the motive power for what Americans do in their daily lives. It is the basic, powerful motivating force that drives most of them and makes all Americans partners in the well-being of each, since each feels that, although he is competing with the rest, he has a stake in the common good.*

If this is too mystical for some, let them look at the obverse, the negative side. In the absence of a feeling of commonality, of a meaningful life-experience shared with other human beings, of a goal transcending the transitoriness of human lives, society disintegrates. The cohesive force which keeps a society together, despite all the frictions and frustrations that beset its individual members, is as vital as the economic order which regulates exchange relations and the integration of occupations and skills. Mystique and money interact, of course — man lives not by bread alone but bread he must have. The breaking down of the Dream does not result in immediate chaos, but it is the beginning of a disease process and only fools will ignore it.

The signs that the American Dream is breaking down are all around us—juvenile delinquency, school dropouts, racial strife, crime and violence, drug addiction, and so on. If Goldwater sought the remedy in social nostrums, Johnson failed to convince the American people either that he understood what was happening, or that he was looking for a way to reverse the process. His concept of the Great Society seems to be one in which every American, although he cannot be as rich as Lyndon Johnson, can pursue wealth and power as Lyndon did. What he has not suggested, what *no* party has suggested, is that the continued remorseless pursuit of wealth in the form of individual loot, illimitable luxury and comfort, is individually self-defeating and socially disastrous. We have neither a counterbalancing concept of social wealth nor one of social purpose.

We cannot cut back to colonial America: only the machines keep our present population from starving. Goldwater's prescription of a state of minimal government is a fantasy as morbid as the condition it seeks to cure. The necessity now is for a politics that will match the ineluctably transforming scientific and technological revolution to ends that are as meaningful in our day as were the ends of the American revolution in another time. The re-creation of the Dream still lies ahead, and this campaign did nothing to bring it nearer.

The Grand Alliance

Our military forces and those of Generalissimo Franco's Spain are practically blood brothers. While the British Labour government marks its accession to power by canceling joint British-Spanish naval exercises (in what can be regarded only as a calculated snub), the United States and Spain are engaged in amphibious assault training maneuvers which are heralded as the largest peacetime operation of this kind ever held—and which has already cost the lives of thirteen U.S. Marines. The code name is Steel Pike I; it involves eighty U.S. vessels, fourteen Spanish ships, 50,000 U.S. Navy and Marine Corps troops, a Spanish marine battalion and Spanish army and air force units —indeed a very large undertaking, and one which the Pentagon is as eager to keep out of the papers as Franco is to publicize.

With mixed pride and resentment, the Spanish diplomatic information service quotes from a West German *Suddeutsche Zeitung* reference to Spain as a "semi-member" of NATO. Spain, the Spanish diplomatic press agents say approvingly, takes part in a NATO mission without belonging to NATO. However painfully this may rankle, the Spanish military never lived so well before Uncle Sam poured those billions into bases in Spain, nor was the economy ever in such, relatively, splendid shape. The Pentagon is supply-

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ing the Spanish army with antiaircraft missiles so that the Spaniards can defend "our" bases against Soviet bombers—which are not momentarily expected. A protocol of the renewed U.S.-Spain military treaty provides for equipping the Spanish air force with F-104 fighter planes, and there are rich goodies for each and every one of the other Spanish services. Lt. Gen. Rafael Cavanillas, chief of the general staff of the Spanish army, has just returned from a tour of U.S. military establishments, during which he was the honored guest of his opposite number, U.S. Army Chief of Staff Gen. Earl Wheeler. The same courtesies are extended to visiting Spanish admirals. Such cordiality must warm the bleakest heart.

But when it comes to trade, things are different. Franco and Fidel Castro may not be quite as happily united as Cavanillas and Wheeler, but a growing togetherness has been noted. While the United States pleads with Spain to join in blockading Cuba, Spanish-Cuban trade has been rising—from $8.4 million in 1962 to $30.8 million in 1963, and, if the rate of the first four months continues, to about $60 million this year. With Spain's economy expanding under U.S. nourishment, its capitalists are happy to sell agricultural machinery, electrical equipment and other products to Marxist-Leninist Cuba. Spanish shipyards are building twenty cargo vessels for Castro. Spanish food is also being landed on the docks of Havana—how could Spain, tied to Cuba by ancient bonds, allow the Cubans to starve?

For the most part, Spain's trade with Cuba has no military significance. High on the list of exports to Havana are such nonlethal items as dolls and *turron* (almond candy). Cuban interest in Spanish dolls and candy has a long history and is further evidence that the Castro regime remains in some degree a captive of its past.

When anything happens to disturb these renewed ties, the Spaniards can be as nasty to us as we were to them in 1898. When some anti-Castro Cubans fired on a Spanish freighter in the Caribbean, a violent anti-Yankee demonstration took place before the U.S. Embassy in Madrid. We were indignant when the British sold buses to Castro, but we have been rather quiet about Spanish defiance. It does seem, however, that our war-games playmate has his own ideas, and may in some future crisis double-cross us in really spectacular fashion.

Bark Like Dogs

In Cleveland, Ohio, there are no "For Whites Only" signs on public facilities, school segregation is *de facto* and citizens of all races vote at the polls. But in Cleveland, if you are a Negro, and if for any reason you fall under the eye of the police, you stand an excellent chance of being beaten, and it is not impossible that you will lose your life. The policy of the Cleveland police force is to employ terror and brutality toward Negroes, and to do so systematically. This is a charge so extreme as to seem absurd; we make it on the basis of information submitted to us, which we have verified through independent sources.

For example: At 4 in the morning of May 28, John Hill and Glenn Marks, Negro students employed part time by the local bus terminal, had completed their night's work and were waiting at the terminal for a bus home. The patrolman on the beat entered the waiting room, asked Hill for his identification and began to kick him when Hill reached into his pocket for his draft card. Marks went off to try to find a terminal official, returned to discover that he and Hill were under arrest. At the police station they were taken to the fourth floor where a patrolman, identified by badge number, first removing his coat and his gun, began to beat Hill, knocked him to the floor and then dropped a table on his face. The young men were made to bark like dogs, they were threatened with death if they were seen in the streets again, their genitals were abused. They were held in jail until the following night without benefit of doctor or lawyer, and later charged with disorderly conduct.

Or, for example: Last August, a police call went out just after midnight that a white woman was being dragged into a house by Negroes. Two policemen answering the alarm saw a pair of young men entering the premises next door (one of them lived there, the other was his friend). They cried "halt" and when the Negroes ran, the police fired and dropped them both. Larry Greene, now paralyzed from the waist down, has never been charged with any offense; his companion, James Olive, a heavyweight boxer who has had to abandon the sport as a result of being shot, was charged with malicious destruction of property (some windows were broken in the melee), later reduced to a misdemeanor and dismissed by a jury.

The young Negroes should not have run, cooperation with the police being a basic civic duty. But consider what they knew. All of these episodes involve Negro citizens and white policemen:

- In November, 1961, Albert Rugley, while attending a private party, was killed by a detective who, quite mistakenly, thought he had held up a filling station.
- In November, 1960, Jeff Perkins was killed by a motorcycle policeman as he sat in front of his own house in his own car. The patrolman said he was reaching for a gun in the glove compartment, but there was no gun and Perkins' right hand was so frozen to the wheel that it had to be pried off.
- In 1959, a postal employee was dragged from a taxi at the point of a gun, pushed around, searched and told that "too many niggers had been robbing cabs lately."
- In 1960, Robert Cummings committed a traffic violation. He was put in a police van, beaten on the way to the station, forced into a cold shower with his clothes on, beaten with blackjacks by policemen standing in a circle, released on his own recognizance, and his case dismissed.

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- In 1962, a young Negro, being beated by whites for alleged car theft, was rescued by the police, taken to a hospital, and on the examination table beaten by the police.
- In 1963, a Negro, attacked by whites, appealed to the police to take him to a hospital; they refused, although he was severely injured.

This record of hate and sadism is the more remarkable in that the scene is Cleveland, Ohio, not Philadelphia, Miss. The Cleveland police force, in its treatment of Negroes, is a national scandal, and right-minded citizens of other cities—New York, Boston, Chicago, San Francisco, to say nothing of Birmingham and Little Rock—will want the natives of Cleveland to know how they feel. Before venting their righteous scorn, however, protesting whites will be well advised to ask the Negro in their own communities whether they are in a good position to cast the first stone.

Two Good Choices

The layman frequently cannot appreciate the worth of creative scientists and physicians, and when the Swedish Academy awards a Nobel Prize in these categories, we must assume that its members knew what they were doing. Two of the current awards are, however, within the purview of the perceptive newspaper reader: the peace prize to Martin Luther King, Jr., the literature prize to Jean-Paul Sartre.

It is a far cry from President Theodore Roosevelt, who received the peace prize in 1906 for mediating the end of the Russo-Japanese war, to the gently forceful Dr. King, who has never held public office and does not seek it. The award to King shows a commendably broad construction on the part of the nominating committee. Nonviolence in pursuit of domestic aims that almost irresistibly lead to violence is conducive in the long run to international peace as well. Nonviolence went from Thoreau to Gandhi and back to America with King. Nor is it altogether accidental that the upsurge of the Negro protest movement, which King has tried to hold within nonviolent channels, coincided with the abatement of Soviet-American tensions. We had permitted the cold-war frenzy to blind us to racial injustice in America. We came to our senses, some of us at least: whether enough of us, and whether too late, remains to be seen.

At any rate, when a Southern sheriff arrests King the next time, he will have the unusual distinction of laying hand on a Nobel laureate. As for King himself, he could in good conscience accept the award, since it was made not only to him but to the movement he represents; and the money and publicity will go to the movement and strengthen it.

The choice of Sartre, and his refusal to accept the award, constitute a civilized episode creditable both to the donors and to the artist. The fact is that Sartre is a great engineer of self-revelation in a form which, as Paul Valéry said of any word that is honestly spoken, cannot but be universal. He has offered the only substitute for revealed religion acceptable to many scientists and intellectuals. He urges man not to depend on a God, who for Sartre and these "atheists" is mythical, but to choose between good and evil according to their own unaided consciences. Human freedom, he has said, is a curse, "but that curse is the unique source of the nobility of man." These are not the words of an ordinary writer nor are Sartre's acts those of an average human being.

Sartre does not believe in prizes, and he rejected this one also because, since his career in the French Resistance in World War II, he has striven for East-West *rapprochement*, and the Nobel Prize in literature is essentially a Western award. He warned the Academy in advance that he would refuse it. The Academy properly paid no attention. Its only duty is to choose the best man. That it did, and thereby Sartre may come to the attention of some who would otherwise have lived in his time without knowing him.

Multilateral Muddle

Since the end of World War II, and with the exception of U.S. policy in South Vietnam, there has probably never been such an exhibition of confusion, hypocrisy and myopia as the attempt to establish a Polaris missile-firing multi-national surface fleet (MLF). Twenty-five vessels, flying a distinctive flag but disguised as merchant ships, are to roam the Mediterranean and the Atlantic, each mounting eight 2,875-mile-range Polaris missiles aimed against Soviet targets. The crews are to be of mixed European and American nationality. To prove that it is feasible to man naval vessels in this fashion, an American destroyer, the *Claude V. Ricketts*, equipped with Tartar antiaircraft and Asroc antisubmarine missiles, is even now being operated by a crew of Americans, Britons, and English-speaking West Germans, Dutchmen, Italians, Greeks and Turks—with the Americans safely in command. Tied up at the Washington Navy Yard, the *Ricketts* was hailed by Secretary of State Rusk as "a promising venture in alliance military unity"—and of course a move to "strengthen peace."

The principal push to pile another 200 megatons or so atop an already overwhelming preponderance comes from West Germany and is discussed in *Der Spiegel* for October 14. Chancellor Erhard not only faces an election next spring; he and his fellow "moderates" must also reckon with Franz Josef Strauss and other "Gaullists" of his own party—a curious term in this connection, since de Gaulle himself will have no part of the MLF.

The other countries that comprise NATO are almost as leery as the French but Washington, under pressure from Erhard, has contemplated a bilateral Polaris fleet arrangement with the Germans, in the hope of forcing other Europeans to join. Of course the Americans will not admit it, *Der Spiegel* says, but when Erhard visited President Johnson in June, a memorandum agreement was concluded providing that, if the others did not sign up by January 15, 1965, Germany and the United States would go it alone. This possibil-

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ity frightens even a good many Germans, but it provides useful domestic leverage for Erhard.

The role of the British Labourites is ambiguous. During the campaign Harold Wilson kept reiterating Labour's opposition to the MLF and complaining that the Conservatives were letting the Germans get their finger on the nuclear trigger—although the Conservatives were almost equally cool toward MLF. He now seems to be trying to scuttle MLF without offending the U.S. State Department and the Pentagon. Under the 1962 Nassau agreement between President Kennedy and Prime Minister Macmillan, the United States is to sell Britain Polaris missiles for arming nuclear-powered submarines. Wilson is now sending up trial balloons to test a proposal for reducing the MLF fleet to ten or fifteen ships, and to bring the British Polaris submarine fleet, and perhaps also some British strategic bombers, under the same multilateral command. According to the Labour balloonist, Alan Gwynne-Jones, this would "bring West Germany into the nuclear councils without giving it a disproportionate or provocative influence. . . ."

Gwynne-Jones sees other advantages, but this is all wishful speculation. In Germany the moderates have a way of being overwhelmed by extremists, or turning into extremists themselves at the next explosion of the *furor Teutonicus*. The Russians are well aware of this historical tendency and have no intention of standing idly by while the MLF weapon is forged against them. Khrushchev may be deposed, Brezhnev and Kosygin may be the bosses for the time being, but, as under Stalin, the perennial Russian fear is a two-front attack on their homeland. Thus the MLF, or any similar contrivance, is perfectly calculated to drive the Soviets back into an alliance with the Chinese. That is not the purpose—far from it—but that will be the effect, unless the British take a resolute stand. *(For a detailed analysis of MLF, see* The Nation, *October 12.)*

CHILE

Revolution of Good Intentions . . . Mark Wyman

Santiago de Chile

Chile's new administration, which took office November 3, provides all the elements of a TV serial: Will the forces of young, energetic Eduardo Frei defeat poverty? Will the giant American copper companies yield to "Chilenization"? Will the Christian Democrats displace Fidel Castro as the model for Latin America?

But anyone heading for the exit on the supposition that he's seen this before in Latin America should be advised that Senator Frei's September 4 victory over Communist-backed Salvador Allende could indeed mean more than a change in the Palace Guard. Both candidates campaigned to upset the existing order in Chile—Allende with a far-reaching Marxist program, Frei with a "Revolution in Liberty" that generally paralleled his opponent's. Not surprisingly, Latin America's leaders of the "democratic left" rushed to congratulate Frei, while from the United States came the felicitations of such liberals as Hubert Humphrey and Jacob Javits. Italian Socialist Giuseppe Saragat and even the French Communist newspaper *L'Humanité* had some surprisingly kind words.

But still wilder praise was lavished on Frei by Chilean and Latin American right-wing politicians and editors, with Brazil's Castello Branco and the Cuban exiles in Miami joining the applause. The confusing spectrum of the good-will messages—all the way across from Right to Left—reflects the contradictions of Chile's new government. For Eduardo Frei is tackling Chile's towering economic and social problems as a revolutionary while receiving the support of his country's Establishment. A careful examination of his program evokes the feeling that he faces a dubious future, simply because of the goals he has promised to reach in his six-year term.

There is no doubt that he merits Washington's support. But instead of receiving the automatic three cheers that go to anyone who fits—however awkwardly—the classification of anti-Communist, Frei's contradictory situation and mountainous problems need to be understood by U.S. policy makers. From his coming achievements and failures they might learn why Latin American reformers usually make so little progress.

For a man who campaigned for a revolution, Frei, aged 53, received a lot of rather nonrevolutionary support. After a special provincial election last March had upset Chile's right-wing government coalition, two of its three parties fell in with Frei, regarding him as the last hope to stop Allende. (The Radicals stuck with their own hopeless candidate.) Later an ex-Nazi quit the Presidential race and his group also joined the Christian Democratic march.

Thus Frei's "revolutionists" entered the final months of the campaign with the support of the right-wing press, almost every leader of the extreme Right, and the eleven big business groups that control commerce in Chile.

The contradictions of Frei's campaign alliances pushed nearer the surface as inauguration day approached. Did he stress a thorough tax reform to make the wealthy—instead of just salaried workers—pay taxes? No; beyond brief mentions of "tax reform," Frei has said little. Neither has he emphasized programs to stop the flight of capital to foreign banks. Instead of drawing more money from wealthy Chileans for industrialization, the "Revolution in Liberty" intends to pull it out of the foreign copper firms which already pay the world's highest mining taxes.

And in agrarian reform, where

Mark Wyman, on leave of absence from the Minneapolis Tribune, *is in Chile to study the politics of that country.*

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he has promised to make landowners of 100,000 *campesino* farm workers, Frei is largely silent on the subject of how he would break up the large estates. (A 1962 church report said that 4.1 per cent of the landowners hold 77.6 per cent of Chile's agricultural land.) The Establishment is content with such Frei promises as 360,000 more houses, 200,000 new classrooms, more highways, stoves and sewing machines. The money for these will come from taxes, paid mainly by the middle class.

Not that the right wing itself admits to a blank record: those parties, backing former President Jorge Alessandri, pushed through "reforms" to qualify for Alliance for Progress funds two years ago. Thus came about Chile's much publicized agrarian reform—which since 1962 has taken over only twenty-four large tracts of land, eight of which already belonged to state agencies. A government official admitted that only 1,354 plots had been distributed, and added: "This is not heaven. Expropriation is a tool we should have." And expropriation is a tool which was carefully ignored by the same groups that now support Eduardo Frei.

Critics have noted that Frei's roots lie with the Conservative Party, which he left in the mid-thirties to form the National Falange. In 1958, this group became the Christian Democrats, and the party is now third largest in the Chilean Congress. Frei received a surprising 56 per cent of the vote in the September election, becoming the first Christian Democratic President in Latin America.

Beyond his problems with the Establishment, trouble awaits Frei as he attempts to "Chilenize" the copper mines owned by Anaconda and Kennecott, both United States companies. His projects are ambitious: forced doubling of copper production to more than a million tons yearly, creation of a government corporation to market copper, a requirement of new company investments of $200 million yearly, a stipulation that all refining be done in Chile, and government representation on the companies' policy-making boards.

Chile's desire for more control over its copper rests on the fact that 60 per cent of its foreign exchange comes from sales of the metal; the two U.S. firms supply approximately 12 per cent of all government revenues. (Chile produced 18.4 per cent of the world's copper last year, second only to the United States.)

El Siglo, Santiago

Eduardo Frei in the Wings

One of Frei's projects—refining in Chile—can probably be carried out. Doubling the mines' production in six years is considered technically impossible. "If we had new mines, yes," said Anaconda's top official in Chile, Vice President Ed Tierney. "But we couldn't double production in the present mines. We could increase it—but never double it." Kennecott officials say flatly that it would be impossible, and mining experts not connected with the firms give similar statements.

Talk of government marketing—which includes price-setting — also draws scowls from copper company officials. They quickly recall 1952, when the Chilean Government intervened to play with the world market—and more than 150,000 tons of unsold copper piled up. The United States finally came to the rescue, buying 100,000 tons for its stockpile.

Kennecott, represented in Chile by its Braden subsidiary, has grown increasingly pessimistic about its Chilean operations, largely because of innumerable wildcat strikes and the government's rejection of its 1960 offer to match $200 million in new investments against a twenty-year tax stability guarantee. Under the current law favoring new investments, Braden's taxes are 87 per cent of profits, Anaconda's 65 per cent.

Robert M. Haldeman, a Braden vice president and highest Kennecott official in Chile, is not subtle in expressing his dislike for the firm's treatment: "Say you're a widow in New York, and your husband left you Kennecott stocks earning $6,000 a year. Then one day the company tells you that because of Chile's taxes you'll only get $4,000 this year. What do you do? You say to your broker, 'Sell this stuff and get something else!'" Added another Kennecott official: "You can't run a company without stockholders."

Regarding Chile as a hostile environment, Kennecott put its 1964 expansion funds into projects in Utah and New Mexico. President Frank R. Milliken's report to Kennecott stockholders in May was not unexpected: profits from Chile were down again: reason, high taxes. An omen of conflict between Frei and Kennecott is the fact that only 11 per cent of the firm's profits comes from its mines in Chile, compared to more than 66 per cent for Anaconda.

Frei's weapon in his battle with the Yankees is the threat of nationalization, and to keep it a threat without causing panic he has been slippery. To a German magazine reporter, for example, he said that if

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Criminals, Cops and the Constitution

Yale Kamisar

The more complicated life becomes, the more people are attracted to simple solutions; the more irrational the world seems, the more they long for rational answers; and the more diverse everything is, the more they want it all reduced to identity.

James Reston was talking about domestic politics when he wrote the sentence quoted above in a recent column. But to a large extent this all too common reaction to complex problems accounts for the prevalent cry that the courts are "handcuffing" the police and breeding crime waves. It is no surprise, therefore, that Barry Goldwater, "the Great Simplifier," has picked up the chant.

Drastic denunciation of the Supreme Court is not new; indeed, it is as old as the Court. And the intemperate criticism the judges have provoked by expansively reading the constitutional-criminal procedural safeguards and by exercising supervisory powers over federal criminal justice goes back at least twenty years—to the *McNabb* case (later reaffirmed in the *Mallory* case), which "automatically" excludes confessions obtained by federal officers during prolonged pre-commitment detention, and to the *Ashcraft* case, which prevents state courts from using confessions secured as the result of protracted "relay questioning." As the Court has increasingly heeded the warning that "federalism should not be raised to the plane of an absolute, nor the Bill of Rights reduced to a precatory trust," as it has more and more operated on the premise that to the peoples of the world the criminal procedure sanctioned by Mississippi or Alabama is the procedure sanctioned by the United States, the voice of the police-oriented critic has grown louder and shriller.

Much current criticism reflects a "populistic mentality"—an identification of justice and morality with the will of the people; an impatience with barriers erected by lawyers and judges; a proclaiming of great crises and announcements of disbelief in the capacities of ordinary institutions to resolve them. Such criticism overlooks the point that if the popular will were completely unfettered in a democracy, if there were no "rules of the game"—if democracy were that simple—then, as Professor Charles L. Black, Jr., of the Yale Law School has remarked:

> *Our Bill of Rights is a thoroughly undemocratic document. . . . One need read no further than the first five words of the First Amendment: "Congress shall make no law. . . ." Since Congress could be presumed never to make a law which its majorities did not believe to be desirable, the only possible force of such a prohibition is to forbid laws which the elected representatives of the people believe to be desirable. If the Bill of Rights does not operate to thwart the temporary will of the majority, then it does not operate at all.*

When O. W. Wilson, the head of the Chicago Police Department, protests that appellate courts ponder the alleged infringement of the rights of an accused "as a legal abstraction" without regard to guilt or innocence in the particular case, when he argues that appellate courts are less qualified to resolve these matters than legislators because they are less "responsive" to the desires of the public, he is missing the whole point. It is one of the distinct *advantages* of judicial review that an appellate court is better able than a trial judge (let alone the legislature) to withstand "outpourings of indignation" and public demands for "a redress of the wrong done." Courts are *supposed* to resist such pressures when they consider an alleged violation of a constitutional or statutory right. What else are procedural rights all about?

The police fear—and not without cause—that the public will blame *them* for the increase in crime. Whenever the newspapers carry a sensational headline about the rising national tide of juvenile delinquency, or about some shocking local youth-gang depredation, the question likely to be raised in countless homes is: "Why don't the police put a stop to it?"

But no police force can "put a stop to it." The men on the "firing line" do not greatly affect the crime rate—nor do the courts. Here, as elsewhere, it is tempting to reconcile our delusion of omnipotence with our observation of limited power by explaining failure in terms of incompetence, even betrayal. Here, as elsewhere, a "mood of irritated frustration with complexity," as Dean Acheson once called it, finds expression in scapegoating. The irony is that although the police—quite rightly — resent being made the scapegoats, too many of them have too few qualms about making scapegoats of the courts.

In a recent speech, one in which he seriously doubted that the public "can live" with the exclusionary rule —i.e., the rule which prohibits the use in court trials of evidence illegally obtained—Chief Wilson voiced dismay at the persistent increase in crime. The fault, he suggested, lies with the courts. But in the very same speech he took pains to point out that a major source of antagonism against the police is "a tendency to blame them . . . for a high incidence of crime causes, such as slum conditions, narcotic addiction, lack of parental responsibility, unemployment, cultural inequalities, and other social factors over which the police have no influence or control." Does the chief suppose that the courts have influence or control over any of these "social factors"?

Today, the head of the Los Angeles Police Department, William H. Parker, is one of the harshest critics of the courts. Ten years ago, he seemed to appreciate the complexities of the "crime problem":

> *Despite the technology that has been acquired through no small effort and expense, the police service today fulfills its task with no greater success than it did a quarter- or half-century ago. This is a damag-*

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Topics dealt with in this article are more heavily documented in Professor Kamisar's law journal writings, notably "On the Tactics of Police-Prosecution Oriented Critics of the Court," Cornell Law Quarterly, *Vol. 49, p. 436; and "Public Safety vs. Individual Liberties: Some 'Facts' and 'Theories,'"* Journal of Criminal Law and Criminology, *Vol. 53, p. 171.*

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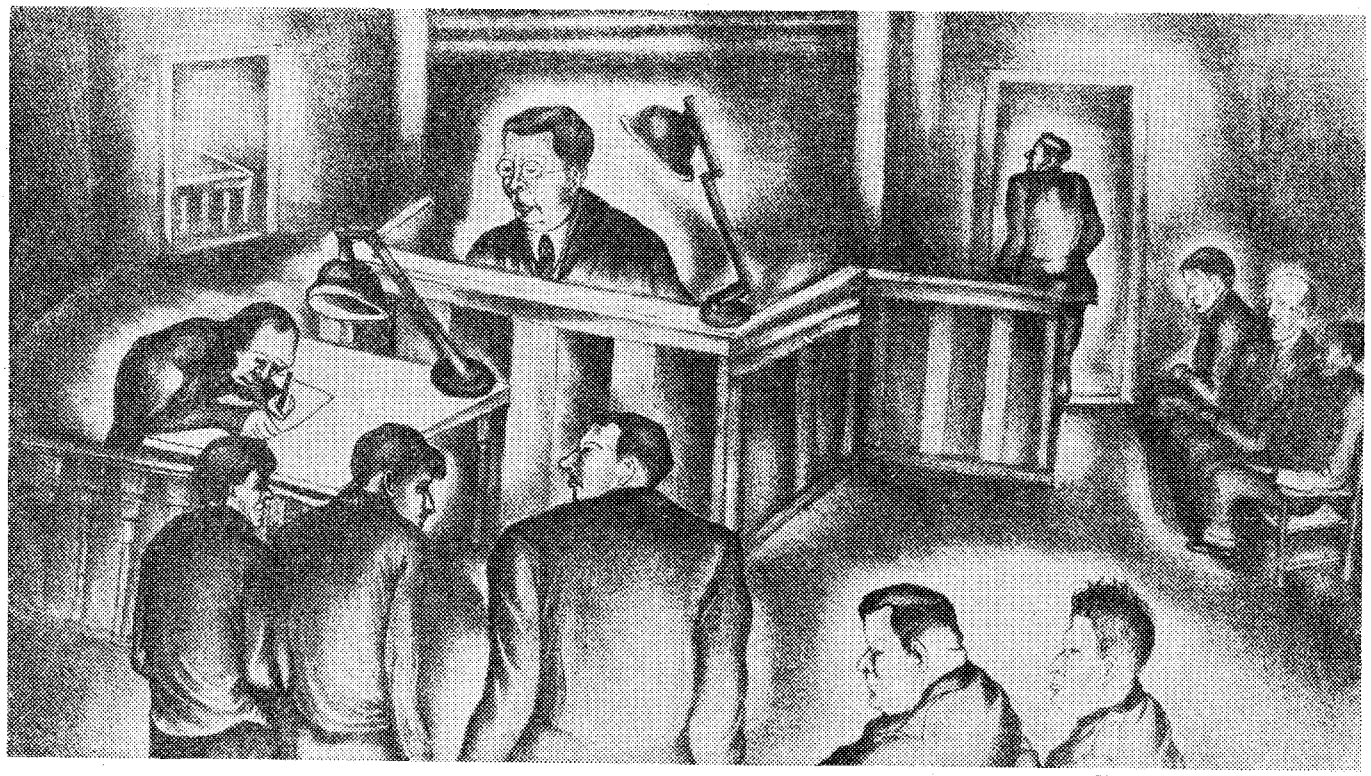

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ing accusation, but it is susceptible of proof. As inaccurate as our statistics are, they leave little doubt that the crime rate has been on the increase for the past several decades —the identical years in which the American police have shown their greatest technical progress. It is highly doubtful that our present crime rate is any lower than that which accompanied the brawling, lusty period of the nation's formation—years in which organized police protection scarcely existed.... Indeed, our most accurate crime statistics indicate that crime rates rise and fall on the tides of economic, social, and political cycles with embarrassingly little attention to the most determined efforts of our police.

A short month after he made these observations, the U.S. Supreme Court (in the case of *Irvine* v. *California*) castigated Parker's department for planting a hidden microphone in an alleged bookmaker's bedroom. A year later, in the case of *People* v. *Cahan*, the California Supreme Court adopted the exclusionary rule in search and seizure cases.

These decisions furnished Chief Parker with the easy formula for preventing crime he had once thought nonexistent. He continued to talk about the steady rise in lawlessness, but now it occurred only because "misguided" courts and "starry-eyed" liberals had "handcuffed" the police. As before, he bemoaned the fact that technical progress was not reducing crime, but now the reason was obvious: the ban on wire tapping and electronic eavesdropping. The chief no longer called attention to "economic, social, and political cycles"; he chose to forget his admission—made *prior* to the inhibitions imposed by the aforementioned cases — that improved technology had failed to lower the crime rate, and the apparent fact that "the crime rate has been on the increase for the past *several decades*."

When the California Court adopted the exclusionary rule in 1955, Chief Parker complained about what he calls "tighter restrictions" on police powers. Most police and prosecutors reacted the same way when, in the 1961 landmark case of *Mapp* v. *Ohio*, the U.S. Supreme Court imposed the same rule on all states as a matter of due process. What law-enforcement officers were really bristling about was tighter *enforcement* of long-standing restrictions. Not *Mapp*, but state and federal constitutional provisions that had been on the books for decades, banned arbitrary arrests and unreasonable searches. The police *never* had the authority to proceed without "probable cause," only the incentive. And the principal contribution of *Mapp* was to reduce that incentive.

Opponents of the exclusionary rule in search and seizure cases had long insisted there were other adequate protections against unreasonable search and seizure. Examples given were tort actions by the victims of police misconduct, or internal discipline by the police department itself. The best refutation of this argument is the reaction of many law-enforcement officials to the adoption of the exclusionary rule. They talked as if the guarantee against unreasonable search and seizure had just been written, as if the exclusionary rule *were* the guaranty against unreasonable search and seizure! What disturbed them was that the courts were now operating on the same premise.

The response of the District of Columbia police to last year's ban on "arrests for investigation" is another illustration of how compliance with existing norms can be confused with a change in them. When a special District of Columbia committee of three distinguished lawyers, headed by Charles A. Horsky (now Presidential Adviser on National Capital Affairs), concluded its sixteen-month study of the problem with the finding that "arrests for investigation" were "unconstitutional, unwise and unnecessary" and recommended that they be

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stopped immediately, Robert V. Murray, Chief of the District of Columbia Police, was stunned. He recalled:

Back in 1947 a study was made by a committee from the Bar Association of investigative arrests. At that time they said investigative arrests were unconstitutional, and recommended that such arrests not be continued. Nothing was done about it.

Why, Chief Murray seemed to wonder, was something being done about it now? The Chairman of the Senate District Appropriations Subcommittee was similarly puzzled. He warned District officials, including Board of Commissioners President Walter Tobriner: "I hope no action will be taken to implement this report."

Several months later, Commissioner Tobriner stated: 'There is no doubt in any of the Commissioners' minds that 'arrests for investigation' are unconstitutional." He added, however, that the police would be permitted to continue the lawless practice until some "acceptable constitutional substitute" was found.

After some halting starts, and in "defiance" of a House District Committee resolution urging still further delay so that legislation to increase police interrogation powers could be considered, the long-debated "ban" finally went into effect on March 15, 1963. The ranking Republican member of the House District Committee branded it "an arrogant action on the part of the Commissioners" and a surrender to "political" and "racial" pressure.

How many people realize that the order prohibiting investigative arrests does not affect prior legal norms one whit, but only effectuates them? How many comprehend that, although it has only recently been enforced, "the ban" has *always* existed? Not, I suspect, many among the millions of *Look* readers who were told that "a *new* city rule imposes *additional* restraints on Washington police. Arrests for 'investigation,' a fruitful source of information on crime, are *now* banned."

Those who seek additional powers for the police readily identify their demands with "national interest," "public welfare," "public necessity," or some other generalized value symbol. More often than not, when someone invokes such a symbol, he is urging a decision, not offering a reason for arriving at it. These symbols are "society's most effective analgesics" — "anchor rationalizations for policy-caused pain." It has well been said that "the most discouraging aspect of totalitarianism is not the power-lust of its leaders, but the ease with which people adjust to losses in political freedom when that loss is explained in terms of public necessity."

When a United States subcommittee asked Chief Murray to appraise the effects of an order prohibiting "arrests for investigation," he retorted—as might be expected from past utterances: "There is no question in my mind that it will just about put us out of business."

The record shows, however, that during the two years 1960-61, only 5.7 per cent of those arrested for investigation were ever charged; to put it another way, about seventeen out of every eighteen persons so arrested were ultimately released. The record discloses, further, that generally speaking the longer a person was held the less likely he was to be charged. Thus, of the 1,356 persons held for eight hours or more in 1960, only 1.2 per cent were charged; of the 690 held for more than twelve hours that year, a shade under 1 per cent were charged.

It is interesting that in the first full month of the Horsky Committee's existence the number of "arrests for investigation" in the District dropped by two-thirds, and remained at that level for the rest of the year. If the practice was so "necessary," why did the mere publicity given to the Committee lead to its sudden, drastic curtailment? In the month following the issuance of the Horsky report, the arrests under study dropped still further and stayed low for the rest of the year, during the "debate" over implementing the report. If effectuating the ban would "just about put us out of business," why, in the face of an alarming and ever worsening crime problem, were the District police rapidly and "voluntarily" putting themselves out of business?

Since the Horsky report did not deal with "arrests for investigation . . . in the field" (although one would never have known that from the newspapers) but *only* those which resulted in a person's being taken to a police station and "booked," the legal problems raised by the practice were relatively simple. The same cannot be said for matters of post-arrest detention and police interrogation. Thus, here, police claims of "necessity" pack an extra wallop.

At the 1963 Senate Hearings on the *McNabb-Mallory* rule, police officers from various parts of the country gave the impression that the *McNabb* rule is wreaking havoc throughout the land (where in fact it affects only federal officers), and they talked as if the issue at stake were whether the police could question suspects *at all*.

The *McNabb-Mallory* rule (which narrowly avoided being repealed) permits an hour or two for questioning. Moreover, the time runs from the point of arrest, not from the time when the first question is asked. And as the Court of Appeals for the District of Columbia has said (the very court upon which law-enforcement officers have showered so much abuse), "it would be absurd to suggest that the police must arrest a person before they can ask him questions." U.S. Attorney Oliver Gasch told Chief Murray and his men some years ago: "Interrogation of suspects *prior to arrest* is a valuable technique, and it is widely used by the FBI."

How much interrogation time do the law men want? How much do they need? "Whatever period of time may be necessary to accomplish the purposes that society has in mind," answers Chief Wilson. Forty-eight hours is reasonable, suggests a member of the Board of Governors of the National Sheriffs' Association. "Frequently, even 48 to 72 hours is not enough," warns J. F. Coakley, often called the "dean" of American prosecutors. "At least 24 hours, excluding days when courts are not in session," insists Chief Schrotel of Cincinnati, the head of the International Association of Chiefs of Police. Six hours would be "a reasonable time," a period in which "the police could do an effective job," contributes Chief Murray. David Acheson, the U.S. Attorney for the District of Columbia (whose sober testimony before the Senate was a refreshing change from the semi-hysterical outbursts of too many of his brethren) points out: "At the present time, for all practical purposes if a suspect can hold out for 2 hours, 2½ hours, he is pretty well in the clear; but very few of them do."

Whether or not conditions war-

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rant, the claim of "necessity" is not easily decided, for often the facts by which such a plea must be weighed consist of vague references to "experience" put forward by men whose original predilections or present interest control their conclusions. But when the "needs" of police interrogation vary from six hours or less to forty-eight or more, the "necessity" plea no longer looms impregnable. Indeed, when "necessity" varies so widely, one recalls the words of Chief Justice Marshall in *McCulloch* v. *Maryland:* "A thing may be necessary, very necessary, absolutely or indispensably necessary. The word frequently imparts no more than that one thing is convenient, or useful."

If one opposes the exclusionary rule in search and seizure cases and the aforementioned *McNabb-Mallory* rule, it is helpful to believe that they exact an exorbitant price in increased crime and diminished law enforcement. Police- and prosecution-minded critics of the measures have worked hard to create this illusion, but in the two jurisdictions which have held the spotlight in recent years, the District of Columbia and the state of California, there is no solid evidence that the rules have done anything of the kind.

Of course if you approve the exclusionary rules, it is comforting to believe that their cost is or will be minimal. I do not know that to be so. I think I do know that opponents of the rules have not established their alarmist case. They have made shrill noises about the "catastrophic" price we are paying to maintain constitutional liberties, but they have yet to furnish convincing evidence to this effect.

Only three weeks ago, it is comforting to know, the prosecutor whose jurisdiction has borne the brunt of "restrictive" court rules, David Acheson of the District of Columbia, dismissed the suggestion that "the crime rate will go away if we give back to law-enforcement agencies 'power taken from them by federal court decisions,'" assuring law-enforcement agencies that:

> *The war against crime does not lie on this front. Prosecution procedure has, at most, only the most remote causal connection with crime. Changes in court decisions and prosecution procedure would have about the same effect on the crime rate as an aspirin would have on a tumor of the brain.*

Of course, a number of Mr. Acheson's brother prosecutors, to say nothing of many police chiefs, would differ violently with him in this respect.

Even if by some miracle we could cleanly disentangle the rules of evidence from the many other factors that cause crime or reduce police-prosecution "efficiency," I suspect the liberals and the police-minded critics would still disagree. One side would contend that the data proves "we can't afford" the rules and the other side would insist that "it's cheap at the price." The two sides,

in other words, would still differ sharply over the value of the commodity purchased. It matters a good deal, for example, whether one views the Fourth Amendment as a fundamental safeguard against serious abuses or merely as a provision dealing with a formality.

Prosecutor J. F. Coakley insists that we learn whether or not "the emphasis on civil rights and privileges has been distorted"—whether or not "the pendulum has swung too far to the left"—by asking those engaged in law-enforcement work. Deputy Chief Edgar Scott suggests that "we recognize that each branch of the government is the proper authority to regiment its 'own troops' and to enforce its own ground rules."

Unfortunately, these spokesmen overlook that, to quote from the recent Horsky report:

> *"Efficiency" [in the narrow sense] cannot be the touchstone for criminal procedure. The proudest traditions of common-law criminal procedure hamper efficiency to some extent—because we wish to protect the innocent as well as convict the guilty, and because we wish to treat all prisoners, innocent or guilty, in ways that fit in with the kind of society we want.*

It is understandable that many police officers should resent the control or influence of judges, to say nothing of the "interference" worked by citizens' committees and law professors. Psychologist Hans Toch recently pointed out:

> *Since the police officer obtains his rewards and satisfactions from the successful identification of persons responsible for misconduct, and since such success is "confirmed" through prosecution, conviction and sentencing, any interference with this sequence may be experienced as terribly frustrating. In instances where the law itself blocks the road from suspicion to disposition, the law becomes an enemy of its ostensible servants....Police can no more be expected to subscribe to the premise that persons whom they perceive as violators must be protected, than decided hunters are likely to grant the immunity of deer.*

No doubt similar unhappiness about control or influence from "outsiders" and "amateurs" led delegates to the Air Force Association's Fifteenth Anniversary National Meeting to adopt a ringing statement that "national policy must prescribe that the choice between nuclear and non-nuclear weapons is neither moral nor political, but is essentially a military consideration." No doubt similar frustration over "outside interference" caused the resigning coach of a losing Iowa basketball team to protest: "Recruiting has become tougher and tougher. We can't get a lot of good kids in school . . . because the entrance requirements seem to get higher each year. Every time you turn around there is another rule staring you in the face."

Too often the specialist who bristles at "outsiders" or "amateurs" only manifests his indifference to the values and goals he was supposed to be taking into account all along. We should welcome the specialization which furnishes a man with "the skill and knowledge as well as the motive for doing a task up to a moderate level of efficiency," writes Professor Edward Shils. But, he adds, we should resist the specialization that reaches the point "where understanding and sympathy for the other realms with

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which collaboration and a sense of affinity are necessary are obstructed."

To a police- and prosecution-minded critic the courts are no doubt manned by "amateurs." But, as the late Karl Llewellyn put it, "we have a legal system which entrusts its case-law-making to a body who are specialists only in being unspecialized." To a body designed "to reach a judgment which adds balance not only . . . against the passing flurries of public passion, but no less against the often deep but too often jughandled contributions of any technicians."

Senator J. William Fulbright was talking about "our easy reliance on the military establishment as the foundation of our foreign policy," but he could as well have been talking about our domestic policy against criminal defendants when, in his thoughtful little book, *Old Myths and New Realities*, he called attention to

> *our national technological bias, which leads us to place extraordinary faith in the ability of "technicians" to deal with matters that we ourselves find incomprehensible.*

And to make a final analogy to the military—with a tip of the hat to Clemenceau — law enforcement is too important a business to be left to the police and the prosecutor.

The police-oriented critics of the Supreme Court are bent on establishing (as one officer of the National District Attorneys' Association recently put it) that "this country can no longer afford a 'civil rights binge.'" There is a danger that they will succeed. But there is also the danger that they will only make the Court even more impervious to criticism, driving legitimate and scholarly criticism underground and evoking extravagant and excessive praise. Gresham's law of debate seems to operate here, with emotion-laden attacks and counterattacks driving out informed and thoughtful comment.

Probably the most fundamental and pervasive issue in constitutional-criminal procedure today — one remaining as unilluminated after the *Gideon* decision as before —is "when the right to counsel begins." In other words, at what stage in the proceedings between arrest and trial should the man who has retained counsel be allowed to consult with him and at what point ought the man who cannot afford counsel be provided with one? To reason, as most police and prosecutors do, that the early presence of counsel will "cripple" law enforcement—and that *therefore* the accused must be subjected to intensive police interrogation without such guidance—is not very satisfactory. This approach ignores the argument that an accused often needs the talents of a lawyer in the back room of a police station much more than he does at the trial. On the other hand, to argue that an accused needs—and therefore should have—a lawyer the moment he is arrested, as the Court appears to have reasoned at one point in the recent *Escobedo* case, is not much better. This is also to resolve the dilemma by pretending that none exists.

Escobedo cannot be blamed for "crime waves" or lowered "police efficiency." Not yet. It is only four months old. And if it is understood in all its implications, it is unlikely to be so blamed for years to come. One suspects that, like the first great right-to-counsel case of *Powell* v. *Alabama*, the opinion contains sweeping language at some places and limiting language at others,* because, like the *Powell* Court of 1932, the present Court recognized it was opening a new chapter in constitutional-criminal procedure and was uncertain how to write it.

To protest, when the Court does write this new chapter, that it is "making law" is to contribute nothing to the discussion. Neither the history nor the language of the Bill of Rights or the Fourteenth Amendment points to a plain answer, one way or the other. When the Court grapples with the "beginnings" of the right to counsel it must "make law," whichever way it goes.

However, if that is something critics of the Court forget, it is also something too few "liberals" care to remember. If I were a policeman or a prosecutor making honest and intelligent arguments (some can and do) to the effect that the Court had not sufficiently considered law-enforcement needs in handing down a certain decision, say *Escobedo*, nothing would infuriate me more than the retort that the founding fathers made the choice for us and "if it is found that the choice has been a poor one, we should resort to constitutional amendment to correct it."

Some choices were made for us by the draftsmen of the Constitution, but not nearly as many as defenders of the Court like to think. For example, it is nonsense to claim that when our ancestors wrote the privilege against self-incrimination into the Fifth Amendment and the right to counsel into the Sixth, they thereby resolved the *Escobedo* question in favor of making counsel available as soon as a man is arrested.

This is not to say, as some spokesmen for the police have said, that the Constitution *precludes* the Court from resolving the question in this way. It is only to say that the Constitution does not *demand* it. To resist *Escobedo* by denying that the Court has the power or the right to "police the police" (I prefer to call it enforcing the Constitution)—to greet the arguments for "starting" the right to counsel at the moment of arrest with shouts of "usurpation," exercise of "raw and naked power," etc.—is unfair and unfortunate. But the same may be said for the view that *all* criticism of *Escobedo* is an attack on the Court as an institution, a refusal to accept the Constitution as the law of the land, a blaspheming of Madison and Jefferson.

A man's reaction to *Escobedo* should not be taken as a measure of his desire for "law and order," or his hatred of rapists and dope peddlers, or his confidence in and support of "our police." But neither should it be regarded as a test of his affection for the Court or devotion to the Constitution or commitment to the "American way of life."

One may regret that the Court did not reverse Escobedo's conviction on straight "involuntary confession" grounds (it appears that it could have done so), one may fret that the opinion was so slushy, one may balk at its potential for expansion—one may do all this—and still revere the Court. Indeed, one may do all this *because* one reveres the Court.

*Notwithstanding repeated *requests* by both Escobedo and his *retained* lawyer, they were not permitted to consult with each other during the course of a long interrogation. Nor, at any point, did the police effectively warn the accused of his constitutional right to remain silent. There is language in the opinion purporting to confine the ruling to these facts—language few lower courts will miss.

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SUGAR

Market and Supermarket . . . . . Desmond Smith

All through 1963, and until very recently, commodity speculators in this country have been gambling in sugar, to their own great profit and at the expense of the consuming public. The instability of recent sugar prices, which has made this situation possible, has been brought about by two factors: the failure of Congress to revise drastically the archaic 30-year-old Sugar Act, and the failure of the Agriculture Department to regulate trading in sugar futures.

This point of view has been denied by Earle T. MacHardy, president of the New York Coffee and Sugar Exchange. In 1963, he thought the fantastic rise in the price of sugar was "purely the result of world supply and demand." The facts are otherwise. An Agriculture Department investigation—conducted after some hard prodding by Rep. Leonor K. Sullivan, chairman of the House Subcommittee on Consumer Affairs—found that "excessive speculation in sugar futures last spring (1963), particularly on the part of persons not connected with the sugar trade, contributed materially to the price spiral."

Until 1962, Cuba, the world's greatest exporter of sugar, supplied nearly 40 per cent of our sugar needs. The remainder was made up by domestic cane- and sugar-beet growers. Under this long-standing arrangement, prices were relatively stable and there was little incentive for a commodity speculator to gamble on sugar futures. The situation changed abruptly in mid-1962 when the administration broke off trade relations with Cuba. This sudden, yet surely not unexpected, development necessitated an immediate revision of the 1934 Sugar Act. The legislative procedures were in the hands of House Agriculture Chairman Harold Cooley of North Carolina, and Mr. Cooley soon found himself in the middle of a power play. On one side were the big Eastern refiners (whose basic interest is in processing foreign-produced cane) and a score or so of foreign sugar growers. These sugar producers (mainly in Latin America) wanted to take over the Cuban quota — including its preferential price clause. And on the other side, with Cuba out of the picture, a number of domestic sugar-beet growers and refiners made themselves heard in Washington. They wanted to add the 1½ million ton Cuban quota to their own production. The fight boiled up quickly, but its background goes far into the past.

Historically speaking, the price of sugar has always been notoriously volatile. The Coca-Cola company—a tremendous user of sugar—almost foundered in the 1920s because of losses directly caused by swings in the sugar market. Since then, almost all big industrial users have safeguarded themselves through contract clauses tied to the price of sugar. Other big users have actually gone themselves into the business of sugar production and refining.

Governments, for their part, have moved to protect national needs and maintain stable prices through all-embracing trade agreements. There are plenty of examples: the United States with Cuba, Great Britain with the British West Indies, the Soviet Union by the encouragement of large-scale sugar-beet production. The existence of these "tied" marketing arrangements has created an exceedingly narrow "free" (uncommitted) sugar market; in fact, only about one-seventh of total sugar consumption is sold at the free market price. In times of plenty, free-market sugar has a hard time finding a buyer. But at the least sign of political unrest or natural disaster, the price of free-market sugar rockets.

As it happens, the change of government in Cuba coincided with a steadily rising world demand for sugar. This has come about partly through continued global population growth, partly through better living standards. No country, of course, can match America's sugar consumption (100 lbs. per head per year), but even famine-stricken India absorbs 14 lbs. of sugar each year for every man, woman and child within its borders. The result has been a world shift from sugar surpluses to sugar shortages. So far the gap has been small (less than 2 million tons in the 1962-63 crop year), but since it exists demand for the free-market supply soars.

It becomes clear, then, that the loss of Cuba—America's sugar warehouse—was a matter of great interest in the world sugar market. When Cuba was on our side of the business ledger, the United States had handled its sugar through a quota system. While it is perfectly possible for the country to grow all its own sugar requirements, it has never done so. During the Batista regime, the United States consistently subsidized Cuban sugar pro-

Hawaiian Sugar Planters' Ass'n.

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duction by paying a premium based on the domestic price. Since this was considerably above the free-market price (these were the days of world surpluses), Cuba was glad to supply all the sugar called for under its quota. In 1962, with Cuba fallen from grace, the Cooley committee was under great pressure to come up with a replacement in a hurry.

The House Agriculture Committee's solution made nobody happy. Half of the former Cuban quota (3 million tons) was set aside against a possible return of a "free" Cuba. (Had Representative Cooley been informed of the administration's Bay of Pigs plans?). The other half was labeled Global Quota and was available to any non-Communist nation that was prepared to supply the United States on a nonpremium

basis. The effect of this, of course, was to put us into the free market at a time when world demand was outrunning world supply. If the Latin American bloc was peeved, its protests were as nothing compared to the ruckus created by the domestic sugar-beet forces. While the Latin Americans argued that their "special relationship" (Alliance for Progress) ought to have entitled them to quotas at the premium price, the domestic producers argued that the loss of Cuban sugar ought to have brought home the hazards of a policy based on foreign sources.

There was a third consideration. Alone among commodities, coffee and sugar are traded on an exchange that is not regulated by Agriculture's Commodity Exchange Authority. Observers who remembered the 1954 wild speculation in coffee, asked what safeguards were being taken to prevent the same gyrations in sugar. There were no answers. The Cooley—plague on all your houses—revision of the Sugar Act passed into law in the fall of 1962. Within hours of the bill's passage commodity tipsters were advising their clients to switch their attention to sugar. Anybody can get into the commodity market. Most brokerage firms have a commodity specialist who will initiate a would-be plunger into the arcane mysteries of gambling on shell eggs, frozen poultry or Maine potato futures. In December, 1962, many people who had not the remotest intention of taking delivery, began buying sugar contracts.

Then came the lucky break that all commodity gamblers hope for. By January of 1963, the commodity market was being deluged with rumors of an impending sugar shortage. There were stories about Cuba's crop-harvesting troubles, and a severe winter in Europe was supposed to have knocked out a good deal of its sugar-beet crop. Even when there was no news, a major brokerage house could issue a newsletter that said "No further reports from eastern Europe have been forthcoming, but informed sources are quite definite in their belief that Russia's crop has undoubtedly suffered from drought conditions. . . ." (As it happened, Russia's crop that year was excellent.) Trading volume in sugar futures soared, and worried but impotent officials in Washington noted that by February sugar had replaced soybeans as the darling of the speculators.

Meanwhile, though American farmers were being told not to plant sugar beets—on the ground that the domestic quota was already full—the United States was having a hard time persuading foreign producers to part with sugar at the domestic fair-return price. Ironically, the Latin American growers who only a few months earlier would have been glad to settle for the domestic fair-return price (6.6c) now decided to hold out. "The Dominican Republic had 300,000 tons on its hands," one sugar executive told a *New York Times* reporter, "but they finally offered to supply only 20,000 tons under the global quota—and I don't blame them a bit."

Two different kinds of raw sugar-cane contracts are traded on the New York Coffee and Sugar Exchange. The first is the No. 7 "domestic" contract; this is meant to cover sugar intended for consumption in the United States. The second is the No. 8 "world" contract, which covers any free-market sugar transactions. With the United States shopping for free-market sugar, and encouraged by rumors of a world shortage, speculators kept forcing up the price of the No. 8 contract. It seemed difficult to lose money. Until March, when the New York Coffee and Sugar Exchange raised its margin requirements, one could buy a No. 8 contract (a contract is for 112,000 lbs. of sugar) for as little as $400 margin. The leverage *was* incredible. Each 1c rise in the price of free-market sugar meant a windfall profit of $1,120 per contract to its owner. As one broker said at the time, "This is the biggest crap shoot in town." Between January and May, 1963, the price of raw sugar doubled—from 6.6c to 13.2c.

Sugar refiners — passing along all charges—reacted to the volatile market by issuing fourteen price increases during this period. Because sugar keeps, refiners with old stocks reaped huge profits by charging the market price for their pre-January inventory. By June the cost-of-living index had risen sharply. The main reason, according to the Bureau of Labor Statistics, was a 32 per cent across-the-board increase in supermarket sugar prices. As usual, the shopper eventually paid the bill. By May even Representative Cooley was getting a little upset, and no wonder—three Congressional committees were investigating the high jinks in sugar. Finally, the Agriculture Department (did the President speak?) announced in early May that it was lifting acreage controls on sugar-beet production. The market, which had hit a forty-three-year high, finally collapsed on May 23. On that date Agriculture Under Secretary Murphy announced that the United States had filled its needs—10.4 million tons—for 1963.

The Agriculture Department's subsequent investigation revealed that of the participants in the No. 8 "world" contract on May 23, 1963, 91 per cent were non-industry speculators. Among them were "housewives, brokerage-house employees, chemists, bankers, lawyers, doctors, dentists, salesmen, insurers, realtors. . . ." Representative Cooley's dismal attempt to rewrite the Sugar Act had satisfied no one in the sugar industry; worse, it had cost the buying public millions of dollars.

During the past summer the inept Mr. Cooley held more hearings.

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By now almost the entire history of sugar in our economy has been explored by the weary House Agriculture Committee. This December the foreign-quota portions of the Sugar Act will expire. Nevertheless, Mr. Cooley could not get a new bill through Congress. Unless something is done quickly the United States, on January 1, will have no foreign provisions in its Sugar Act for the first time in thirty years. Meanwhile, the last Congress also managed to avoid action on a measure that would have finally brought coffee and sugar under the regulatory power of the Commodity Exchange Authority.

Can Cooley and Co. do better next session? Most sugar experts doubt it. The best solution might be to take the problem out of Congress entirely (or more accurately out of the lobbies on Capitol Hill). In a leading editorial last month, *The Washington Post* suggested, ". . . the ideal approach would be for President Johnson to appoint a top-level commission to re-consider every aspect of the sugar economy. The virtue of such a commission is that it could take the debate away from the lobbyists and encourage the formation of a national policy for what is a national problem. On such a commission, there is even the remote possibility that consumer interests, too, would at last get a break." Amen.

STARVING FOR SCIENCE . . . . . David Cort

Science is at its best when it faces up to really fundamental questions. Such an occasion was the University of California's last symposium on "Food and Civilization" (May, 1964). The most searching of the papers presented was one on "Food as an Essential" by Prof. Josef M. Brozek. At the end of the experiments on human beings which he described, he was able to conclude with reasonable certainty: "[The experiments] clearly indicate that food is, indeed, an essential."

This judgment is a great improvement over the offhand attitude toward the matter that has prevailed since life began, but it invites the speculation: suppose the conclusion had been that food is not an essential. If food were, say, an occasional luxury, we could let most of the earth revert to a wild, green paradise. Elimination of farms, herds, flocks, fisheries, packing houses, supermarkets, delicatessens, restaurants, and also sewage disposal systems, calls up a vision of utopia almost beyond conception.

Apart from the crude satire in the thought, one must remember that the chief function of civilization is to reduce the time spent on getting and consuming food. Most creatures spend their entire waking time eating (except some predators which make one great gorge last several days, and then gorge again). Many birds eat several times their own weight every day. Shrews are so infatuated with food that they have no time to sleep, and die young, all worn out, eating.

But civilized man has reduced eating (and shopping at the A&P) to barely 10 per cent of his time. He has thus reduced his dependence on food as a total way of life, and is constantly working to reduce it still further, as in TV dinners and survival rations and the harvesting of marine algae.

Dr. Brozek's paper was concerned in part with the starvation experiments conducted by the University of Minnesota's laboratory of physical hygiene for more than a decade.

"Starvation experiments"? What grisly joke is this? The world is full of starving people, and they are not experimenting. However, these skeletal millions would have been unsuitable for the experiments because they are not starving systematically, and there are no "control" data on them. Soldiers and college boys were tried at first, but proved unsatisfactory because of various extracurricular, nonstarving activities. Complete concentration on starving and high motivation seemed to be requirements. Finally, these were found in 1943 among conscientious objectors serving in the Civilian Public Service. They volunteered for the experiments, and some seventy normal, fit young men were selected.

It may sound incredible, but the scientists took twelve of these fine, high-minded young Americans, and for four days gave them no food at all (but all the water they wanted), while each day they walked for three hours on an uphill treadmill and ran fifteen minutes, or to exhaustion. Constant tests were made—sensory, motor, intellective and personality—of their responses to these drastic conditions.

The results were in every way fascinating. All twelve men completed the torture course. Their intellectual capacity, measured by six short tests such as the word game of "Categories," remained about the same. Certain physical abilities, measured by handgrip and back-pull dynamometers, remained constant; in fact, handgrip strength increased slightly.

On the other hand, the subjects displayed an onset of depression, hypochondria and hysteria, sleepiness and decreased initiative and concentration. Nausea was common after, and once during, the run on the treadmill. Though they had plenty of water, the men discovered that their desire for water was twice as great as their desire for food. This was because the extracellular fluid of the body was decreasing, and the plasma volume dropping as much as 18 per cent.

Blood sugar at work, sampled at the end of the first hour's walking, was fairly normal the first day, dropped sharply the second day and recovered somewhat the third and fourth days. There was a loss of 4 lbs. the first day and 6 lbs. more, spread over the next three days. Ketones accumulated in the blood, as in diabetes. The total deficit of calories for the four days was estimated at 14,500.

If we look upon a man so deprived as a famished animal, his ability to survive had definitely not been destroyed by the brutal starvation aggravated by the pointless work. In nonscientific terms, he showed signs of desperation. In a brief life-or-death struggle he would have

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David Cort is a frequent contributor. His latest book is Social Astonishments *(Macmillan).*

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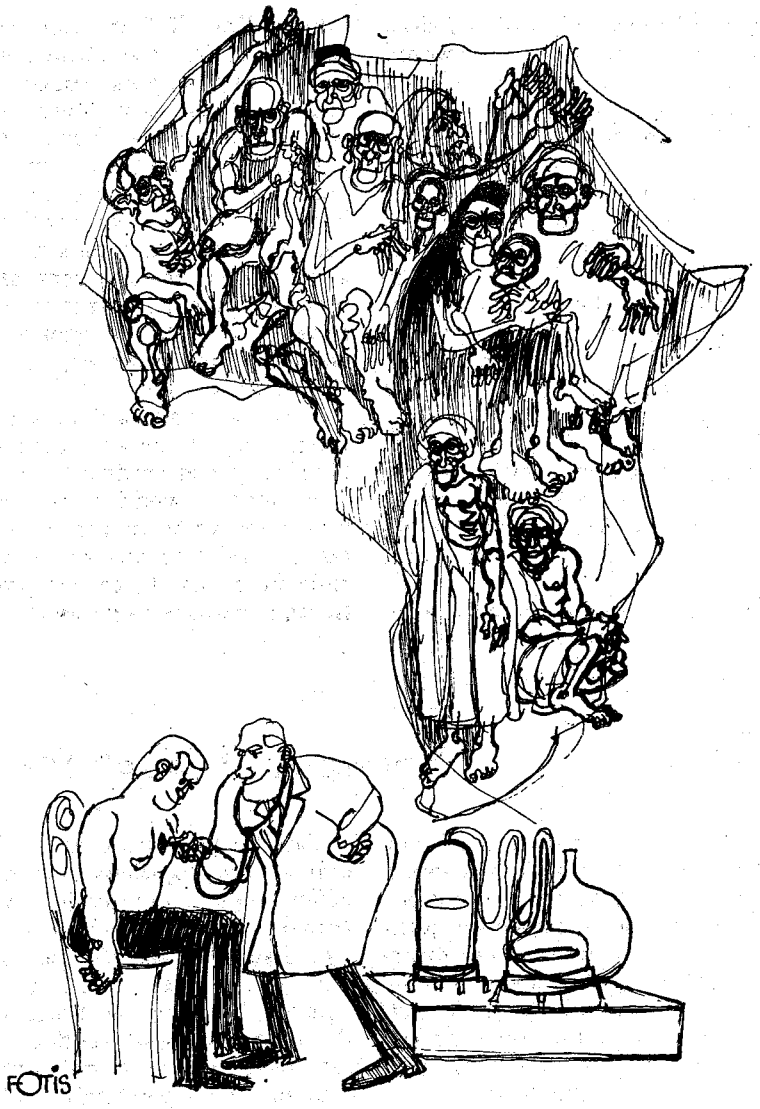

been very effective; in a prolonged struggle, probably not. He would have had to win quickly, or not at all.

He lost, however, some efficiencies that may be less relevant to survival. He could tap a plate ten fewer times in ten seconds, trace a pattern less accurately, make fewer arm movements in a minute. His body-reaction time was slower, and he swayed a little more while standing.

Another, more reasonable, experiment fed thirteen men for twenty-four days on 1,000 calories a day in jelly bars and a carbonated soft drink (which?), with salt and vitamin supplements—nothing else except plenty of water. All carbohydrates, no proteins or fats. Here the daily energy deficit was about 1,700 calories, about half that in the preceding experiment.

This diet of jelly bars and soda pop is just what children dream of. It also represents a level of malnutrition far below the diet of the world's undernourished people. And yet, over this period of only twenty-four days, its effects were amazingly slight. The results were described by Dr. Brozek as "exhilarating" or "disappointing," according to one's point of view.

Each man lost about 15 lbs. Blood-sugar levels remained satisfactory; sight and hearing showed no deterioration; adaptation to darkness was poorer because of vitamin A deficiency. There was some decline in the ability to rally maximum strength quickly, as measured in thigh movements. On the personality questionnaires, there were again increases in hypochondria, depression and hysteria.

Of course, actual famine as a fact of life differs fundamentally from these calorie insufficiencies in the Minnesota laboratory. In real life, the calorie deficit comes on gradually, there is complete uncertainty as to how long it will continue, and a consequent disruption of the whole society. There is no certainty, as in Minnesota, that tomorrow will bring even 1,000 calories.

And so the scientists projected another experiment, this one lasting for twenty-four weeks of semi-starvation—a fair span for a normal famine. Thirty-two volunteer conscientious objectors had their diet reduced from 3,492 to 1,570 calories for nearly half a year. And at last we get some results that the starving peoples of the world would recognize.

This time the men became physically weaker, by a measurable third, in handgrip and back pull. Running to exhaustion on the uphill treadmill decreased from a top of four minutes to less than a minute; the men just did not have the strength to go on. There was some, but not much, deterioration in reaction time, arm-movement speed and table tapping.

In general, the intellect was not crippled at all. Perception of spatial relations, word fluency, immediate memory, number facility, inductive reasoning and perceptual speed remained fairly constant.

The personality, however, was affected profoundly for the worse. The subjects rated themselves as having, in this order, increased tiredness, appetite, muscle soreness, sensitivity to noise, irritability, apathy, hunger pains, moodiness, depression, muscle cramps, dizziness, salt craving, apprehension, fainting and nausea. They also admitted corresponding decreases in such things as concentration, sex drive, etc. There was one odd result: hearing improved, possibly because of the production of less ear wax and the thinning of the fleshy walls of the ear canal. The subjects typically marked themselves as somewhat more normal than the observers thought was the case. People in a real famine situation, lacking the artificial morale factor and ultimate self-assurance inevitably associated with the experiment, would probably exaggerate the other way.

The symptoms are noted above as averages. Some of the subjects had some of the disabilities even before semi-starvation began; a few escaped some of them even after half a year of starvation. Here, as

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in all other affairs, there was a separating of the men from the boys. At the end, some of the volunteers were still enjoying life; others had all but despaired. In a real famine, this differentiation must certainly be carried to extremes.

Half a year's famine, as I have said, is a fair example of a famine. Still, it is not quite possible to compare the Minnesota subjects, who were young, fit, dedicated, and knew when they were going to start eating again, to men, women and children of all ages who are starving, they know not why, until the unnamed date when they will die. Morale is the difference. It is probably also the factor that selects the survivors of the great famines that, along with war, have scourged man from the beginning of his history.

It is not sufficiently realized that, as modern hygiene has lowered death rates in the underdeveloped nations but done nothing to retard the birth rates, perpetual semi-starvation has become more, not less, endemic. The mere incompetence of the new governments, and the natural avarice of their leaders, interfere with outsiders' attempts to solve famines in the direct and simple way (by feeding the starving). Semi-starvation is well established in Haiti and Indonesia, in the Congo and Tanganyika, and is spreading southward and westward in Africa. The calorie deficit, as the wonderful phrase goes, has always been a fact of life in the Middle East and in large areas of Latin America.

From starving men come no revolution, Eric Hoffer once said, in substance. But the Minnesota starvation experiments suggest a revision of that law. Much depends on how long a man has been starving and how high his morale remains. A man who has been starving for only twenty-four days sounds to me quite dangerous. Half a year later he is a very different man, most particularly in his personality aspects. It would not be entirely safe, however, to assume him harmless.

Food, as was said at the beginning, seems to be an essential, both physically and spiritually. But what a wonderful world it would be if mankind, alone in the whole kingdom, could free himself of this terrible necessity. Once perceived, the thought refuses to go away.

Politics and the Polls . . . . Norwood Russell Hanson

Many objections have been lodged against political opinion sampling. Some critics feel that the Gallup and Roper polls do not distinguish between a subject's statement of how he will act and the deed itself. Two individuals may both say "Yes, I'll vote for Barry," but the one will do so come rain or snow; the other may not venture forth if one cloud darkens the sky. Yet from the pollster's point of view, their positions are identical.

It has also been said that many citizens float through life with no well-formed attitudes on any subject—politics included. An opinion sampler puts the question, and lo! — a most forceful opinion is expressed, and a determined posture adopted. This, although ten seconds earlier the respondent's mind was blank on the subject of inquiry.

Such uneasiness, however, reflects too little understanding of the refined techniques employed by social scientists who design these surveys. Given a large enough sample, well planned and diverse, objections such as those above will disappear "in the mass." For every respondent who says "yes," but lacks the energy to vote, there will be another respondent who says "no," and proves equally short of energy. For each man whose attitude is formed by the very posing of a question, there will be another whose position is shaped in the opposite direction. The technical achievement of our modern, statistically oriented, opinion pollsters is that they can determine reliable estimates of general trends within the polity.

Still, there are grounds for concern about the polls and their associated forecasting which cannot be met simply by reference to the properties of statistical aggregates. Few will object to a politician's having more information about the electorate to which he is campaigning. As Dr. Gallup said recently: "A politician who does not know what his constituents feel about current election issues is like a general who does not know whether the enemy is behind the hill to the left or the hill to the right." Ideally, when the electorate is found not to understand fully a candidate's position on some vital issue, he should set out his views more clearly. Or should they collectively wish to hear his as yet unexpressed conviction on some matter, he should let them hear it. Information gathered from opinion polls will, when so employed, encourage a more intimate and receptive relationship between constituency and candidate.

Can we be quite certain, though, that an unscrupulous candidate for office (there are some) will not actually *change* his views when statistics suggest that they are producing a hostile reaction among voters? Is there no precedent for thinking that some politicians will say *anything* to curry votes? Of course, such a politician might have behaved thus under *any* circumstances. But, by the pollster's own claims, it seems that they now have a most efficient means of discovering (quickly and accurately) what is the "mood" of the electorate. This information, in the hands of a "vote grabber," seems to negate the original objective of *voting* for our democratic representatives. Ideally, the candidate makes up his mind on various issues, then publicly expresses his considered views in a clear and forthright manner. As a consequence, Election Day is an occasion for genuine choice between well-articulated, alternative positions. This cannot be achieved when politicians simply reflect the predominant sentiments of a polled electorate that has remained unaffected by argument either way. Is it just some mythology of the democratic process that good reasons argued in favor of a political position can actually persuade the citizenry to declare themselves in support, when before they had been

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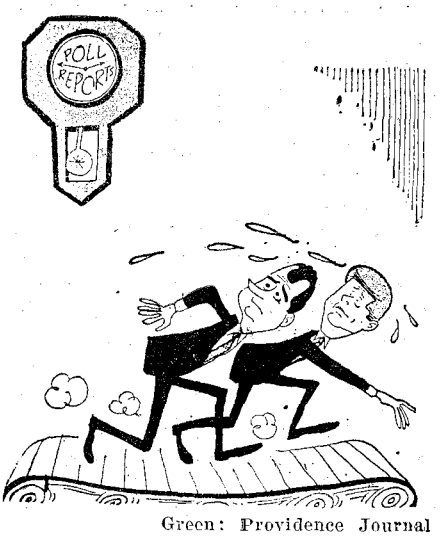
opposed? How can reasons, and stands on principle, be effective on Election Day if the candidates have become simply mouthpieces for the generalized and largely unreflective —but so precisely measured—views of the electorate? How can we have a citizenry of informed and reasonable men when their representatives may only be articulating views that constitute the lowest common denominator of the electorate as the whole? There have always been trimming politicians, but today, because of the speed and accuracy of opinion polls, they are potentially more dangerous to the democratic process than ever before.

Political virtues and vices to one side, however, there may be a case for candidates having *all* possible information on the disposition of their electorate. Opinion polls are established instruments for collecting and conveying that information. But what of the voters themselves? What need of theirs is satisfied by information of this sort? Of what interest is it to a Dakota farmer that the Jersey samplings show strong support for the incumbent? How does the citizen of Los Angeles better fulfill his role as an American voter through having received the final results of voting in New York—before he has even gone to the polls?

Is there a "bandwagon effect" in national elections? Do some on-the-fence citizens cast their vote in the hope of ending up with the winning team? If there are such voters in appreciable numbers, the high-speed propagation of polling booth statistics may tip the verdict one way rather than another—and not in terms of arguments and issues, but of numbers and percentages alone.



Green: Providence Journal

Last Lap in 1960

It is not yet proved that advance statistics have no such bandwagon effect. Given the pernicious possibility, perhaps we should all be protected from the worst that may be in us. In the absence of *complete* certainty that the bandwagon does not collect passengers, we might well suspect that it does—and that most of them come aboard because of broadcast opinion samples and Election Day statistics during the first week of November.

Therefore, I urge a moratorium from November 1 to Election Day during which no polling information and no Election Day statistics can be disseminated. This will leave the period immediately before the election free for reflection on the issues — something our founding fathers would have desired.

It might be argued that such a moratorium is a proscription against knowledge. It shows no faith in the integrity of the average citizen to suppose that his neighbor's behavior would sway him on matters of principle. Let us say only that I have a realistic view of the average citizen—I am one of them. There is no good reason for disseminating this gossip about what others are thinking, and there is reason for suspecting it may do harm.

However accurate football scores are, they would be out of place if announced during a church sermon. And however scientifically well established, opinion-poll samples and Election Day statistics are out of place when each of us should be thinking about the issues that concern us, as individuals and as citizens.

Windfall for Conspiracy . . . . . Richard J. Barber

In an unpublicized ruling, officially released on August 17, the Internal Revenue Service quietly presented a select group of business taxpayers with a gift whose price to the Treasury will probably come to much more than $150 million. The lucky recipients of this rare act of IRS generosity are those firms which have violated the antitrust laws and as a result are compelled by law to pay damages—among them General Electric and other companies convicted of price-fixing and similar offenses.

The IRS succeeded both in diverting millions of dollars from the Treasury and in thumbing its nose at the nation's antitrust policy by proclaiming that "amounts paid or incurred in satisfaction of claims for treble damages" brought pursuant to the antitrust laws "are deductible as ordinary and necessary business expenses" for tax purposes. That may sound innocuous in the technical language, but its implications may produce some indignation when it is viewed in the context of the electrical conspiracies.

Back in 1960, a federal grand jury in Philadelphia indicted twenty of the nation's principal producers of heavy electrical goods, led by General Electric and Westinghouse, and a number of their high-ranking executives, for allegedly engaging in a massive conspiracy to fix prices and rig bids on sales to government agencies and to the country's privately owned utilities. Shortly thereafter, the companies conceded their wrongdoing, paid a token $2 million in fines, and watched as some of their officers went off to serve thirty-day jail sentences.

While this largely ended the affair insofar as the press and the public were concerned, the battle had in fact only begun. Since the conspiracies had boosted prices or held them at artificially high levels, those who had made purchases were entitled to sue for damages pursuant to the antitrust laws. And sue they have, with nearly 2,000 cases initiated so far against GE and the

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other defendant companies. A few cases have been settled, but to date only one has been tried to a finish in court. On June 2, a Philadelphia jury awarded three electric utilities damages of almost $10 million. When trebled, as is required by law, the judgment came to nearly $30 million.

No one can now predict what GE, Westinghouse and the rest will eventually be required to pay as damages stemming from their price-fixing conspiracies. GE recently estimated that settlements with customers who made two-thirds of the relevant purchases will amount to roughly $80 million. If its other customers settle at the same rate, GE will pay out $120 million; and since it reportedly accounted for about 40 per cent of the business involved in the conspiracies, the total bill for the industry would come to $300 million. But this could well be on the low side. GE so far has been settling on the basis of less than a 10 per cent overcharge; the June 2 jury verdict, however, is based on a finding that the conspiracies forced customers to pay 25 per cent more than they would have paid in the absence of that conspiracy.

The price-fixing and bid-rigging of the 1950s thus may begin to hurt the perpetrators, just as it is supposed to. When it passed the Sherman Act in 1890, Congress recognized that private damage suits could play a key role in achieving compliance with the substantive legislative policy. Not only did it specifically authorize damage actions but, to accentuate the impact, it also required the courts to treble any damage award won by a plaintiff after trial. In this fashion private claimants would obtain redress for their damage, and the culprit would be severely punished.

Regardless of how much the electric-goods manufacturers are ultimately obligated to pay in judgments for damages traceable to their price-fixing conspiracies, the tax treatment is of critical importance. If they can deduct these payments in the guise of "ordinary and necessary" business expenses, the practical result is to shift half the burden to the nation's taxpayers. In a short opinion accompanying its ruling, the IRS tries to justify its interpretation, but its arguments lightly dismiss substantial adverse judicial precedent and legislative history.

First, the courts have long been reluctant to allow the deduction of payments made by a taxpayer when these amount to "penalties." The IRS tries to avoid this hurdle by saying that private antitrust damage suits are "remedial in nature"; they are that, of course, but they also represent a severe sanction. The whole history of the damage provisions in the federal antitrust laws —as is most obviously reflected in the requirement that damage awards be trebled—shows that they were intended to punish as well as to offer a means by which injured parties could recover their losses.

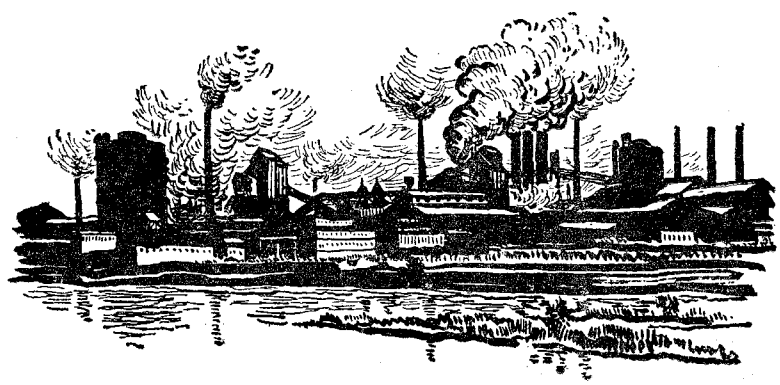
Second, the IRS holds that damage payments made to the United States Government, unlike payments to other recipients, are not deductible. It tries to rationalize this incongruity by saying that damage payments to the federal government, "although resembling restitution, are in effect punishment for injury to the public occasioned by the violation of law." Yet this reason is equally applicable to damage payments to private parties. Apparently the IRS could not swallow its own argument when it came to sums paid directly to its employer.

Third, the courts have long refused to allow deductions where the effect would be "to frustrate sharply defined national or state policies proscribing particular types of conduct." But by requiring the Treasury to assume half the sums they are obliged to pay as recompense for injury they inflicted, the IRS ruling is likely to save GE and the other electrical companies at least $150 million (half their estimated minimum total liability of $300 million), and probably a good deal more than that. The obvious effect of this is to lessen greatly the punitive impact that the wrongdoers would otherwise suffer. And, of course, the IRS ruling is applicable not only to the electrical companies; it applies to all who have violated the antitrust laws, and the long-term losses in tax revenue are incalculable.

Four days after its release, the IRS ruling drew fire from Senator Philip A. Hart, Chairman of the Senate Antitrust and Monopoly Subcommittee, and from Rep. Emanuel Celler, Chairman of the House Committee on the Judiciary and of its Antitrust subcommittee. A statement issued jointly by the two Congressmen, said in part:

> *The ruling is likely to hamper effective antitrust enforcement both by mitigating the penalties which Congress has prescribed and by its tacit assumption that a hard-core criminal price-fixing conspiracy is "ordinary and necessary" business. . . . The new ruling appears flatly contrary to existing law as declared by the Supreme Court and the lower Federal Courts. Accordingly, this ruling seems most unfortunate both as a matter of law and from the viewpoint of tax and antitrust policy.*

If the IRS, admitting that its ruling is ill-advised, were to repudiate it promptly, any taxpayer would still have the right to go into court in an effort to deduct its damage payments (the converse, though, it should be noted, is not true: as things now stand, GE and its cohorts will be allowed the deduction and other taxpayers—the general public—will have no way of challenging their action in court). Congress could provide a remedy, but that should not be necessary. The IRS itself can take speedy and proper corrective action. Until it does so, however, the American taxpayers will unwittingly be helping GE, Westinghouse and a number of other corporate antitrust violators to shoulder a burden that is rightfully and entirely their own.



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The Visible Ellison

SHADOW AND ACT. By Ralph Ellison. Random House. 317 pp. $5.95.

Peter de Lissovoy

Against his protests, Ralph Ellison's novel *Invisible Man* has been called an autobiography. It depends of course upon how loosely one uses the word. But now, in his collection of essays, *Shadow and Act*, we have some intentionally autobiographical sketches. And there is a likeness, though it lies deep. Differences of fact and event are plentiful, certainly. But what really obscures a similarity in purpose is the difference in tone. It was Ellison's achievement in *Invisible Man* that he created a hero in a classic American tradition (the youth who journeys from naïveté to wisdom) out of the Negro American's ironic and tragicomic sense of the gaps between this nation's myths and realities. The autobiographical essays are singularly—even intentionally—humorless.

When, in his introduction to *Shadow and Act*, Ellison recalls that "Renaissance Man," mastering everything about him as he masters himself, was a boyhood ideal, he warns us immediately that he is not about to say *anything funny*. As a boy in Oklahoma City, he read and played and dreamed with the sort of booming eagerness that doesn't stop to wonder why. He *very naturally* had the highest ambitions and he saw no irony, let alone wrong, in trying all the styles and heroes on for size. Not that the town's good white folk didn't mean him to know his place. But within the segregated life and against its dictate that his experience run narrow and controlled, Ellison found reasons for wanting, and expecting, a great deal more.

In the drugstore where he worked, old men gathered on rainy days to smoke and talk, and then he heard tales of Negro U. S. marshals and cowboys and black Indian chiefs, and richnesses and possibilities rose up tall as the ceiling. He studied and dreamed over discarded books and castaway copies of *Vanity Fair* and the *Literary Digest* that his mother brought home from the white houses where she worked. And later, in the home of a friend whose parents were teachers, he read Shaw and Maupassant and the Harvard Classics, and touched life in ways far beyond the reach of society's managers. More, his first contacts with whites were pleasant, even friendly ones. With a little white boy named Hoolie, a friend made by accident or by a plan known only to small boys that we call accident, Ellison first tinkered with the mysteries of the radio. And such contacts left a warmth, he says, which worked to counter later bitternesses. All this time, too, he was getting a musical education. In high school, he studied classical harmony. And outside of school, he had jazz. Long before he was old enough to attend the public dances, he lay listening in his bed, awake to the night-tearing eloquence of blues-singer Jimmy Rushing and to the ebullient and now-renowned Blue Devils Orchestra. With their sad, joyful, proud preachings in his ears, how could he despise or limit himself on account of his color?

Ellison suggests that Negro life in the Southwest in the twenties was frontier-full and fluid, not at all like the rigid South or "deceptively free" Harlem, and it is perhaps not strange that a black boy growing up there should have demanded so much of himself—though the boy himself deserves more credit than Ellison gives him. What *is* amazing is that a writer in the sixties should choose to represent this optimism whole—delivering this youthful enthusiasm with so little reservation or irony.

For if little watermelon-eater, tap-dancing reassuringly behind the wood sheds of the white imagination, hangs on only as evidence of a superstitious past (and South), a guilt-ridden and consciously alienated generation has accepted his transformation into the self-hating and society-convicting silhouette in the tenement doorway. And if slightly more real than Pickanin', the new stereotype is no less a literary censor. What the people want, the people get. For one successful sort of fist-shakingly righteous and angry artist, he and all his relatives and acquaintances have become stock in trade.

But perhaps this is the key; for it is precisely this kind of ideological artist that Ellison is not, and with a passion. At moments in these essays, one almost senses that he so protests the fullness of his own youth in order to confute the stereotype:

> *. . . our youthful sense of life, like that of many Negro children (though no one bothers to note it —especially the specialists and "friends of the Negro" who view our Negro American life as essentially nonhuman) was very much like that of Huckleberry Finn. . . . Like Huck we observed, we judged, we imitated and evaded as we could the dullness, corruption and blindness of "civilization. . . ."*

Invisible Man escapes being a race novel, or political protest, because its hero is large enough to represent all men or, specifically, all Americans. The reduction and categorization that the hero fights and finally becomes *conscious* of fighting is a universal condition, if exaggerated for the Negro. And it is this same effect that Ellison is striving for in his autobiographical comments: a sense of himself, first of all, as a talented American boy, seeking to be, to know, to get himself in hand. The specific conditions of his youth are not as important as his conscious desire to transcend them—and especially because this consciousness is so often slighted. In his rather straightforward portraits, it is this simple optimism—against all our preconceptions —that Ellison is trying to express.

What Ellison has is a sense for life against form. It emerges in his writing as a suspicion that people are always more complex than they are supposed to be, and occasionally it gives his prose a driving magic. The best essays in the collection are the discussions of jazz figures and American literature. But the introduction and the several autobiographical essays are interesting because, like Ellison's novel, they run around and against and above the simplistic recital of condemnation the times condition us to anticipate.

In his introduction to *Shadow and Act*, Ellison says that the essays represent the thoughtful effort necessary ". . . before I could identify the areas of life and personality which claimed my mind beyond any limitations *apparently* imposed by my racial identity." Accordingly, and because

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they are collected from a period of nearly twenty years, they vary considerably in subject, mood, style, direction, and even opinion. And occasionally, they are repetitious; now and again, we find ourselves going over an idea a second or third time, though in slightly different form. But taken together, these essays reveal Ellison's consistency of artistic purpose. They hang together, as upon a profound theme, around his attempt to find humanity beneath the categories, abstractions and legends through which our thought forms—indeed, beneath our silences.

Against this unity, the division of the essays into three groupings seems shallow and arbitrary. Ellison says that the essays deal with "three general themes: with literature and folklore, with Negro musical expression —especially jazz and the blues—and with the complex relationship between the Negro American subculture and the North American culture as a whole." Though of course the essays are usually dealing with two or all three of the themes, or more, this would appear to be the basis of the division. The first section, then, concerns itself with "literature," though its title, "The Seer and the Seen," might be applied to any essay in the book. The second section contains essays on music and musicians, though as its title, "Sound and the Mainstream," implies, they relate as much to the third theme. The title of the final section, "Shadow and Act," would seem to indicate a summation or synthesis, but in fact the section is only a catchall for those pieces that do not bear formally on music or literature.

Thus, in an essay located under the first title, Ellison discusses the artistic and moral consequences of the expulsion of the Negro from American art after Reconstruction, and under the last, in a movie critique, he notes some rather ludicrous aspects of the process of readmitting him. And when, in the second section, he remembers Minton's Playhouse in the thirties and forties and explores the springs and meanings of the creation of *bop*, his remarks belong at least as much to the last section.

But clearly, the categories are only the most formal and can be ignored. At their finest, the essays rise and flow from them like so much life.

In the section on music, Ellison writes of Bird:

No jazzman, not even Miles Davis, struggled harder to escape the entertainer's role than Charlie Parker. The pathos of his life lies in the ironic reversal through which his struggles to escape what in Armstrong is basically a make-believe *role of clown . . . resulted in Parker's becoming something far more "primitive": a sacrificial figure whose struggles against personal chaos, on stage and off, served as entertainment for a ravenous, sensation-starved, culturally disoriented public. . . .*

And, in the section on literature, criticizing Richard Wright's limited, propagandistic depiction of Negro life, he writes:

Wright knows perfectly well that Negro life is a by-product of Western civilization, and that in it . . . are to be found all those impulses, tendencies, life and cultural forms to be found elsewhere in Western society.

The problem arises because the special conditioning of Negroes in America, including the defensive character of Negro life itself (the "will toward organization" noted in the Western capitalist appears in the Negro as a will to camouflage, to dissimulate), *so distorts these forms as to render their recognition as difficult as finding a wounded quail against the brown and yellow leaves of a Mississippi thicket—even the spilled blood blends into the background. . . .*

But the more opaque the object of his thought, the more brilliant seems Ellison's humanizing light. To LeRoi Jones's assertion in *Blues People* that "a slave cannot be a man," Ellison responds:

. . . isn't it closer to the truth that far from considering themselves only in terms of that abstraction "a slave" the enslaved really thought of themselves as men *who had been unjustly enslaved? . . . Thus, while he might stand in awe before the superior technical ability of the white musician, and while he was forced to recognize a superior social status, he would never feel awed before the music that the technique of the white musician made available. . . . Thus, a Negro dancing a courtly dance appeared comic from the outside simply because the dancer was a slave. But to the Negro dancing it . . . burlesque or satire might have been the point, which might have been difficult for a white observer to even imagine. . . .*

The balance here is exciting and illuminating. Without losing sight of the inhumanity of slavery, Ellison gets at the life that must always have been straining at its forms. We remember that even genius got chained up in those days—and that it is not free yet. But here it is perhaps necessary to examine another judgment of Ellison's livening view, even though it may properly be outside the scope of this critique. For there is more in the balance than meets the eye.

There are those in the Negro Freedom Movement — and serious workers, not "militant" posers—who believe that one effect of Ellison's work may be to dissipate the general guilt that the movement must exploit to progress. It is *impossible*, they say, to celebrate the forms through which the humanity of an oppressed people finds expression without blurring or lightening the inhumanity of their larger condition. And people act *morally* only in situations whose conflicting terms are terribly clear, even harsh and stereotyped: the civil rights organizations are constantly working to define our society in such terms. In other words, the accurate and lively portrait of a restricted people may miss the crucial point about them. And the effect of Ellison's views may be to cool or deflect action.

The argument of the "politicians" must be as familiar to Ellison as to any artist who, during a revolutionary period, looked as if he should be aiding the rebels. The longest essay in the collection is a two-part response to an intelligent variation of the argument by Irving Howe of *Dissent*. Howe asserts that the "sociology" of the Negro writer's existence creates a pressure on his work such that he must "protest" if he is true to the reality he knows. Ellison disagrees:

. . . Evidently Howe feels that unrelieved suffering is the only "real" Negro experience, and that the true Negro writer must be ferocious.

But there is also an American Negro tradition which teaches one to deflect racial provocation and to master and contain pain. It is a tradition which abhors as obscene any trading on one's anguish for gain or sympathy. . . . American Negro life . . . is, for the Negro who must live it, not only a burden (and not always that) but also a discipline *. . . teaching its own insights into the human condition. . . .*

Ultimately, Ellison's response must be that he is a writer, and that the requirements of the craft are more important to him than any other. In another essay he says:

. . . One of the obligations I took on when I committed myself to the art and form of the novel was that of striving for the broadest range, the discovery and articulation of

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the most exalted values. And I must squeeze these from the life which I know best. . . .

At question here are the relative values of art and political action; and, because the two are not distinct but rather related endeavors, the question is never answered. The artist may try to direct or evaluate politics. And one of the effects of political struggle is to create the kind of self-consciousness that makes and appreciates art. I remember, when SNCC opened its "Freedom Library" in Albany, Ga., last spring, *Invisible Man* was one of the first books checked out. A high school girl—a veteran of years of demonstrations and sit-ins—had heard of it, and at last, here it was to be read. We got it back—once, several weeks later, dog-eared and tattered from multiple readings. I remember I asked what had happened to it, and she smiled and said: "Well—a whole lot of invisible people been findin' out about things."

Ellison is *of* the movement, but at the level of personal consciousness. This writer (and perhaps my friend in Albany) would have to agree with him when he writes, at the end of his response to Howe:

. . . my Negro friends recognize a certain division of labor among the members of the tribe. Their demand, like that of many whites, is that I publish more novels—and here I am remiss. . . .

Peter de Lissovoy was until recently a campaign writer for C. B. King, the first Negro candidate for Congress from south Georgia since Reconstruction.

The Beat Voznesensky

SELECTED POEMS OF ANDREI VOZNESENSKY. Translated by Anselm Hollo. Grove Press. 107 pp. $3.50.

Robert Creeley

It is difficult to read Voznesensky's work apart from the various uses to which it has been put, and is to some extent still serving in this present collection. Immediately there is the fact of his being Russian, and young, and —most insistently—an evidence of the political *thaw* which reached a peak in the winter of 1962. There is, further, his relation with Pasternak (emphasized in Anselm Hollo's introduction) and the implications of that fact. And, finally, his public association with Evgeny Evtushenko has emphasized the social aspects of his activity. The jacket notes say that his latest collection, *The Three-Cornered Pear* (all of which is included in this volume), had advance orders of more than 100,000 copies prior to publication. . . . Response of that order in itself defines a use of poetry rarely experienced in this country.

It is necessary, then, to make some qualification of the situation which he has shared with Evtushenko. Edward Dorn, writing of the latter in *Kulchur* 8, makes a useful (if wry) definition:

. . . For instance there is Yevtushenko. He is feeble-minded . . . in the way reserved for a modern intellectual, i.e., he doesn't say anything. He is precious about borders! He would campaign for a cheap international right-of-way. He likes it in the country. My My. He likes Ernest. A most exact indicator of a facetious taste. He desires the reign of the simple-minded middle class worker in enthusiasm and sensitivity and his excuse is assured him because he is Russian without the wild Russian mind, in other words he is a member of the first of the world fraternities (used in the college sense): U.S.-Russia. . . .

If Dorn quickly summarizes what may well be a more complex instance of literary *populism*, I believe him accurate none the less. Evtushenko's poems—such as have been translated in the Penguin collection, for one—are very bland generalities.

Elements of this generality are also evident in Voznesensky's work. Here, for example, one finds an idiom derived from a loose reading of "beat" poetry, masked as "public" value:

. . . Up into the mountains and into the beards
into the sea the rivers run dry the fish are dying. . . .
Rolls-Royces are fucking our women,
radiatoractivity. . . .
("Beatnik's Monologue")

But it proves a content equally vague in any idiom, and it appears in the earlier poems as "The artists take leave,/ Bareheaded, enter/ The humming fields and forests/ Of birch and oak, like a church. . ."

Such writing seems a most tired sense of what we are literally involved with, as a political entity (the "people" notwithstanding), or as an individual entity — quite distinct from such apostrophe as "O you who had plenty soul"—which is the line directly following on what I have quoted from "Beatnik's Monologue."

There is no need that I can value to read a poetry imitative merely of terms the American has so much more sharply *known*, and insofar as Voznesensky writes "like" a *beatnik* (in Hollo's translations, at all events), he is dull indeed. He is not in any sense an Allen Ginsberg (who is not, be it emphasized, a *beatnik*) nor is he possessed of like force. But there is a third point from which to measure, in the work of Lorca.

Lorca is a poet close to Voznesensky's attention—one, in fact, he particularly honors:

. . . I love Lorca. I love his name, hovering lightly like a boat, humming like a gallery in a theater, vibrating with the sensitivity of the moon-disk of a radio relay station; smelling as bitter and intense as orange rind. . . .
("Lover of Lorca")

In this prose-poem he speaks most clearly of his own sense of poetry, and the intensity with which he wants to invest his metaphors takes as its example Lorca's—"Those wildly sprouting metaphors of Lorca!"

Comparisons are deceptive, but Lorca's use of America does make clear what Voznesensky's tends to make bland. In "Ode to Walt Whitman," for example, a language specific to the literal feeling occurs, and the revulsion felt by Lorca, in the pain of his experience, is explicit: "Agony, agony, dream, ferment and dream./ Such is the world, my friend, agony, agony./ Corpses are decomposing under the clocks of cities;/ war passes with a million grey rats weeping,/ the rich give to their mistresses/ small illuminated moribunds,/ and life is not noble, nor good, nor sacred. . . ." Against this, Voznesensky's response reads weakly:

. . . Under the firehose spouting out endless driveways
my ears were turning like windmills
O godless gasoline poisonous America
Coca-Cola and tolling bells. . .
("Another Beginning")

When metaphor becomes a recognition of something more than echoed banality, when feeling gains the active transformation of literal things in relation, another Voznesensky comes into focus, and he is not the

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generalized intelligence of good intentions:

. . . My cries have been torn onto
miles of magnetic tape
an endless red tongue, snaked
round a big spool
I have been taken apart dismantled
and dragged to interrogations. . . .
. . .
There I am, crucified and
transparent, riddled with photo
bullets
their fingernails, rusty, are trying
to scratch at my heart
"Does it hurt Mr. Voznesensky?". . .
("*An Extorted Divigation*")

It becomes a protest against all distortion, but most of all his own. Here as well it is possible to feel him one who, without sentimentality, fights for the preservation of an individual sensibility. It is from this paradoxically quieter sense of himself—the *place* I feel him finally to be—that he writes:

. . . I have tried
in the shooting-
galleries
for 100 points with 10 bullets
but thank you for not letting me
make it,
for lighting up my small transparent
guns
illuminating them like a red fist
appearing in a rubber glove;
"Andrei Voznesensky"—enough,
no word, no little doggie to be left
behind. . .
("*Autumn in Sigulda*")

Robert Creeley, recently awarded a Guggenheim fellowship, is the author of a novel The Island *(Scribner's). His poems have been collected in the volume* For Love *(Scribner's).*

On Translating Voznesensky

Bernard Koten

The danger sign should always be up when a poet's work arrives on foreign shores in translation. Anselm Hollo, a young Finnish-born poet now living in London, has been a devoted translator of Andrei Voznesensky's poetry for several years, and some of his English versions in Grove Press's collection do capture the mood and rhythm of Voznesensky very well. But so many of the translations are riddled with small inaccuracies and more serious distortions of idea that *the poet* Voznesensky cannot come through to the American reader.

In "Ballad of the Parabola," which is decently translated in general, one finds a prime example of the minor error. The Russian word for "canons" has emerged as "guns"; a very curious slip-up between dictionaries indeed. More reprehensible than this kind of blooper, which could happen to any non-Russian, is Mr. Hollo's indifference to the poet's deliberate choice of one word over another. In "Who Are You," Voznesensky has a line: "Lilliputians or poets!" which becomes, in English: "Pygmies—or hipsters, passing the word." There is a word in Russian for pygmy, but Voznesensky chose to say "lilliputian" which has quite a different connotation.

The introduction of "hipster" leads us to another tendency in the translations: to use beat lingo or American slang when Voznesensky has used nothing like its equivalent in Russian. In "Motor Bikes," for example, "philistines" is translated as "squares"; the meaning may be the same, but Voznesensky has not used a Russian slang word. Again in this poem, Mr. Hollo interjects a whole colloquial phrase which gives Voznesensky an entirely different tone of voice: the one-word line ". . . intrigues" becomes:

"God, all that
Backstage stuff . . ."

The translator has also changed or misinterpreted Voznesensky's meaning on a broad scale. In "Who Are You," the Russian says:

Starlings try to crow
Architects to become poets

which comes out in English:

Starlings scurry to mate with strong
crows
Architects! open your mouths to
build a new poem.

Mr. Hollo has not only changed the meaning, the mood and the style, but in addition he has lost the irony of the original — an irony characteristic of the poet. Voznesensky, who is an architect by training, is mocking himself here, and far from issuing Hollo's manifesto.

A similar distortion occurs in the last stanza of one of the American poems, "Negroes Sing" (in English, "Negro Voice and Bongos"). Speaking for the Negro, the poem says simply:

And so we lie, like sacks, full of
stars and legends . . .
When we are kicked
It is the firmament they are kicking.
Under your boots
The universe roars!

Look how heavy-handed and apochryphal Voznesensky becomes in English:

When we lie in our beds we are
full of legends and nebulae . . .
You won't keep on walking over us
for long
No man can be deaf to the roaring
universe!

At the end of "Who Are You," the translator again adds words where few are necessary. The Russian reads:

I wander about with you, Vera,
Vega!
I too am here at the heart of an
avalanche
Like the Snowman
Absolutely elusive

But we read in English:

But I am with you, lost with you,
Vera, Vega!
Even I am impossible, among the
avalanches of white —
As impossible to track down as the
Snowman
In the great Himalayas.

The result here is a flabbiness which does not exist in Voznesensky, and an unwarranted impoverishment.

Over and over again, the translator loosens the tight, image-packed construction which characterizes Voznesensky's work and distinguishes him from other poets of his generation. Any translator faces the problem of the untranslatable, the necessity of making compromises, but in Mr. Hollo's case many of the changes seem to lack rationale. He frequently alters even the external form of the poems for no visible reason and with real damage to the poem's idea. "You Sit There," a poem consisting of ten stanzas of two short, balanced lines each (some of them rhymed), becomes a poem of five stanzas of irregular length, some as long as six lines and none of them rhymed. The text is worth quoting in full as a final example of how a poem's effect can be totally changed by the translator. Here is the poem in English:

You Sit There

You sit there, big with child and
pale.
There have been changes made.
You sit there, tugging at your skirt
and
Wanting to cry.

Yes. What on earth
Do they get out of it? Women

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Falling, letting us enter as they fall
Upon us — then, later, running to see us
Go by at the crossing, then, later, staying
Staying, when the last carriage has passed.

How you ran, after that train.
Staring at windows blurred into streaks of black glass.
Khabarovsk, Lyuberetzk
Express trains, mail trains, all go
Rumbling by.

And from Moscow to Ash'khabad
— stricken: to the point of muteness
Stone-like, these women stand
Offering their big bellies to the moon.
And, as it is turning toward the light
In its nightly existence, unlived,
How well it can understand them,
That planet
Heavy with an enormous pale belly....

And here is an almost literal translation of the Russian:

You Sit

You sit, pregnant, pale.
How you've changed, my poor girl.

You sit pulling at your dress,
And you feel like crying, crying . . .

How the women spoil us
And, falling, give us their lips.

And how they dash out from behind the barriers
And race along behind the trains?

How you ran after the train,
Peering through the ribbons of windows rushing by . . .

The local trains rumble on, the expresses,
The Khabarovsk trains, the ones to Liubertsy . . .

And from Moscow to Ashkhabad,
Struck dumb,

The women stand as if carved from stone,
Pushing their bellies out to the moon.

And revolving around toward the light
Amidst the uninhabited night

How well our planet understands them,
With its own enormous belly.

Whether one likes Voznesensky's poem or not, it is a very different poem from that of the translator. And so it goes, all too often in this volume. The result is finally more depressing than infuriating, for Mr. Hollo has surely approached his task with the best of intentions since he is himself a poet and one of considerable skill (see below).

Air, to dream in

Leave it, leave it

behind the dark
window the owls
calling out to each other
my voice to you
only heard
there in the dark
treetops of the sea

red the moon rose
cooled off shrunk
to a coin in the blue

alone it is if it is
a poem for you

My ancestors

They sat him down
at table's head
drank to him merrily

hey Old Man Bear
you dead and stuffed with hay

while eating his insides
joined hands and sang
riding the wooden bench

long poems with short lines
to remember them by

Age: Four

1

"switch on the light
so it gets dark outside
and we can go
to bed"

2

Yes he wants a gun
like everybody
but at least he
doesn't claim it's
"for protection"

3

BURST
the balloon

His face,
poor tribesman

all that joy
he bartered

for this
worthless thing

4

Nursery rhymes
I don't even know
the tunes
so play the record
over & over

he sits
flushed face
eyes glitter
listens
listens

"ecstasy" to me
the word
now flesh

Anselm Hollo

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A Surrender To Symbols

THE ITALIAN GIRL. By Iris Murdoch. The Viking Press. 213 pp. $4.50.

Leonard Kriegel

Iris Murdoch once promised to become one of the truly important novelists of postwar English fiction. *The Bell*, published in 1958, was a powerful work, one of those rare novels which create a reality to which we are forced to surrender. It pulled our atomized age inside out, and it did so in a setting that was not the world of power politics but that of an Anglican convent in contemporary England. *The Bell* was allegory built upon the very real dissolution of those qualities which are most meaningful in our lives if only because they are most human and most absent—compassion, love, charity, all those rich words which we now palm off as meaningless rhetoric because of the demands they make on our overstuffed selves. Since *The Bell*, however, Miss Murdoch has become increasingly cute and increasingly clever; in fact, she now shows signs of becoming a contemporary prototype of those dreaded lady novelists who have served as the maiden aunts of English literature for the past 200 years.

The Italian Girl has pattern, unity and symbols; all it lacks is life. It is a dry and constipated novel, and in writing it Miss Murdoch's imagination must have been seeded with the necessities of technique and little else. It all works out in the end, like an Agatha Christie detective novel. The Freudian trappings are there (as they rarely are in Agatha Christie) but they appear to be little more than a natural consequence of Miss Murdoch's growing fascination with the ridiculous made sublime. Had *The Italian Girl* been written as a romance a hundred years ago, we might have been forced to accept it. But it was written in our age, ostensibly as a statement about our problems. And it fails, for ours is not only a much more terrifying world than Miss Murdoch imagines, it is also a much more meaningful one.

Miss Murdoch sees us as being exiled from our very selves, which, admittedly, we are. What she fails to see is that the exile is real, all too real. And what one finds in *The Italian Girl* is what one has been finding in increasing measure in all her novels since *The Bell* — characters whose suffering is told, not felt. The world they inhabit is a product of their creator's penchant for mysterious gardens and Gothic romanticism, a world in which even fantasy seems automatic and vitiated. The distortions are not meaningful; they are simply clever, in a way that quickly becomes boring. Clever novelists are never adolescent, never embarrassing, never silly, as, let us say, a novelist such as D. H. Lawrence so frequently is. They are content to be voyeurs of the soul.

The novel deals with the discovery of self of one Edmund Narraway, an aspiring saint in an unsaintly world, who becomes humanized when he returns home to attend his mother's funeral. An engraver by profession, a man reticent of human contact and somewhat disgusted by the world's fleshiness, Edmund's counterpart is his brother, Otto, a stonecutter, who sees the possibilities of all existence in that same fleshiness. Having been locked out of the house when he arrives for the funeral (for *house*, naturally, we are to read *self*), Edmund finds that the door has been opened by one David Levkin, a mysterious Russian Jew who seems to have been flushed out of the recesses of Anglo-Saxon mythology to serve as the novel's symbol of life and also—just in passing — as the lover of Otto's wife, his daughter, and perhaps even of Otto himself. David also has a prophetically mad sister who is Otto's mistress and who, between sessions with her lover, runs into the garden at night to watch worms dance. Finally, there is the Italian girl of the title, an overly symbolic presence in this overly symbolic novel. It is she in whom Edmund and the reader are meant to find salvation, this last of the Italian servant girls in the Narraway family who had come north in search of "a dream of strength." All of these characters begin to knock poor Edmund around with their demands that he truly live, kneading him as if he were no more than a piece of dough as they force him to all the follies that flesh is heir to. Edmund eventually makes it. Our fallen sexless Adam eats of the fruit and opens himself up to the south, to flesh, to life.

But it doesn't work, because the Italian girl herself isn't really there. A Lawrence might have been able to create her, but Miss Murdoch has neither the language nor the belief. She may be adequate as Eve; she is not, unfortunately, a very adequate Italian girl. For one thing, she's not fat enough. For another, she insists on being a philosopher and a moral center. For a third, even her hair is symbolic, a "black snake." What Italian girl can make it against odds like that?

This novel leaves one wondering whether its very talented author is not suffering from that excessive concern with the manipulation of symbol and technique that all too frequently makes true creativity impossible. In a novel that seems to be about the discovery of self, we find that the author has not created any selves to be discovered. Having embarked upon a Freudian novel, she should have recognized that fate is real and that it grows out of what we are. Despite the mysterious Russian Jews and stealthy Italian girl, there is no true revelation in this novel; there is little more than a number of personality strip teases interspersed with dreams derived from textbooks, a love goddess sacrificed for love, and stale symbols left over from the days of Walter Pater. One hopes that *The Italian Girl* is no more than a temporary impasse, for Miss Murdoch is good. One need only go back to *The Bell* for proof of that.

Leonard Kriegel is the author of The Long Walk Home *(Appleton-Century).*

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THEATRE

THE SIGN IN SIDNEY BRUSTEIN'S WINDOW
THE PHYSICISTS
GOLDEN BOY

Lorraine Hansberry's *The Sign in Sidney Brustein's Window* (Longacre) suffers from sincerity. This is not to condemn it but to point to a vice that stems from a virtue. She means to say *everything*.

Miss Hansberry undertakes to describe a milieu—Greenwich Village—and to express an attitude. I do not decry the description; the first and best act conveys a feeling of an ambiance less true in its particulars than in its flavor. But the rest of the play bogs down in a "philosophy" which, though sympathetic, is slush.

Sidney Brustein, a Jewish young man in his early 30s, is one of those semi-intellectuals lacking any special craft or ability. He has opened a night club which is designed as a gathering place for kindred spirits in free thought. The enterprise has failed. Sidney then plans a magazine of frank but nebulous opinion. He is urged by a local politician, whose campaign promise is to sweep the neighborhood clean of corruption, to make the magazine an organ for the reform candidate. In the part of the play that deals with the magazine (the thematic subject is commitment) we are introduced to a representative of "*avant-garde*" painting and there are a few tongue-in-cheek quips at his expense.

Sidney at first resents the attempt to engage him politically; he is propaganda shy. He is converted in the interval between acts one and two: we cannot tell how or why. A young homosexual playwright, who is preparing an off-Broadway bombshell in the "absurdist" vein, is also introduced. Miss Hansberry is scornful and on her behalf Sidney debunks homosexuality, seeing no special grace or sin in it, but only another form of pleasure. A young Negro, an embattled radical of unhappy family antecedents, is still another specimen. He has fallen in love with Sidney's younger sister-in-law, a call girl. Sidney's wife, Iris, is an actress full of pep and frustration; she quite sensibly complains that she can't stand spending her time with the company her husband keeps: people who are constantly discussing Camus! She wants to get ahead in her career; she is on the verge of leaving Sidney.

The "reformer" Sidney has supported wins the election. He is jubilant; it confirms the possibility of a successful idealism. But Iris tells Sidney that his reformer friend has sold out to the "bosses." (We must take her and Miss Hansberry's word for this: no dramatic evidence is offered.) Sidney breaks down and gets hysterically drunk.

So it goes: each character in turn summarizes his or her "problem" or wretched condition. The call-girl sister is the last. When she hears that her Negro fiancé has thrown her over, on learning of her profession, she commits suicide. If there were more characters, there would be more confessions—each of them typical or trite.

What Miss Hansberry aims at is first a depiction of the "morass of our times," the pretentiousness, the confusion, the disillusionment of urban life among the "intellegentsia" and then the suggestion of a "cure" through common sense, kindness and understanding. Nothing is dramatized; self-explanation takes the place of revelation. One figure does come to life: Sidney's middle-class, cushily married older sister-in-law. She says, "There are no more squares. Everybody is his own hipster." The overlong play* contains several such lively sallies but they bedeck a rickety story structure and function not as substantial characterization but as wisecracks and facile editorializing.

The text is helped by Peter Kass's emotionally vehement direction; it holds the interest and he is aided by a good company in which Gabriel Dell, Alice Ghostley and Rita Moreno are especially effective. The play might have an audience among folk to whom its truisms would seem boldly topical, but does such an audience still exist at Broadway prices?

The Physicists is a clever play (Martin Beck). I cannot speak with certainty of its author Friedrich Düerrenmatt because his plays *The Visit, Romulus, The Physicists* (*The Deadly Game* was a dramatization of a novella) were adapted in text or by performance in such a way as to enfeeble their potential bite. Still my impression is that Düerrenmatt is a shrewd popularizer of prevalant ideas about our time being one of farcical tragedy, or about science having become dangerous, or about the futility of socio-political effort. I hear echoes—smartly orchestrated—of other men's voices.

Düerrenmatt knows the stage. The intellectual content of his plays is usually impacted into mystery melodrama with an edge of satire. This makes for readily digestible entertainment. *The Physicists* provides a fair example, but it is not a play to see twice. I say this because it struck me more forcibly when I saw it first in England, though both the London and the New York productions were directed by the extremely able and often brilliant Peter Brook. Whether the London cast was more suitable to the play's crisp and witty excitement than are Robert Shaw, Hume Cronyn, Jessica Tandy, George Voskovec and Elizabeth Hubbard, or whether the play's meaning has become less cogent through repetition, I cannot say.

It is none the less an intelligent thriller which aims to be a sardonic shocker. It tells us that nowadays we are all at the mercy of lunatics, in this case, of an insane female psychiatrist. More crucially it declares that "what has been thought cannot be unthought"; in other words, having discovered how to split the atom, no amount of caution, good will, diplomatic sagacity will spare us the doom immanent in that discovery. We ought to come away from the theatre in a state of panic. Instead we smile, applaud and think no more about it.

It may be supposed that because I directed the original production of Clifford Odets' *Golden Boy*, I would "hate" the musical which has been made from it by William Gibson, with music by Charles Strouse and lyrics by Lee Adams. I liked it.

It is a well-made show, lean in dialogue, streamlined in execution, and by no means stupid in "message." The general lineaments and dabs of the original writing have been retained. In Odets' play an Italian boy, Joe Bonaparte, whose father hoped he might become a fiddler, takes to fighting because he resents his family's poverty and wants to achieve fame and fortune. In the musical the Negro youth Joe Wellington (!) is tempted by the same goals and takes to fighting, though it is against his true nature. Fair enough.

*It was reported last week that the author has made revisions in her text which reduce the playing time by some twenty minutes.

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Beyond this there is no need to draw parallels. Sammy Davis (hoarse on the third night with a voice further distorted by a defective public-address apparatus) gives a relaxed, simple, physically rhythmic, likable performance. The rest of the cast ranges from the adequate to the very pleasant. The slightly buxom blonde Paula Wayne as Joe's girl, sings agreeably and is easy to look at. Jeannette DuBois as Joe's sister is winning as well as pretty. Louis Gossett as Joe's brother (a member of CORE; he was a union organizer in the Odets play) is a sound actor. Jaime Rogers who helped with the choreography is an excellent dancer.

Because of the lyrics and their delivery *Don't Forget 127th St.* is an engaging number; because of the group singing and its sentiment a spiritual shout called *No More* is rousing.

The best things in the show are two "ballets" choreographed by Donald McKayle: the opening—a boxers' workout in a gymnasium—and the finale —representing Joe's last bout. These are first-rate dance adaptations of athletics. Admirable too are Tony Walton's sets in which views of the city —Harlem, Queensboro Bridge, etc.— are projected in the background with handsomely functional and practical properties in the foreground. They give the show a spare, taut and attractive environment. The entire occasion rings a bell.

HAROLD CLURMAN

ART

PITTSBURGH GRAB BAG

About those great ecumenical councils of international art, the *biennales* at Venice and Sao Paulo, and the affair every third year at Pittsburgh, there usually hovers an air of chaos. To write of these archaic rituals as serious gatherings of the contemporary —improbable, in any case—is to be defeated instantly by their diffuseness. But if they are so little endearing aesthetically, they almost always redeem themselves by maintaining a high incidence of scandal. Only too happy to escape boredom, critics have perfected a special kind of *biennale* column which can be broken down into the following departments: the politics of the market and the maneuvers of the dealers; the sociology of judges, directors or national committees; the injustice and obsolescence of the prize system, and finally, a moving plea for the abolition of all such events in the future.

In discussing the Carnegie International which has just opened in Pittsburgh, I am tempted to follow that hatchety formula. But, to begin, we can rule out the market and the dealers as being operative in Pittsburgh. In contrast to stylish Venice, which is an open and shameless conclave of commercial enterprise, the American show is a dull dog. Its director, Gustave von Groschwitz, spent some years traveling around the world, perhaps here and there picking works from galleries that are fashionable, but in general remaining indifferent or, probably more accurately, ignorant of the merchandizing aspirations of his suppliers. His purpose was not to provide a fair, or to run some kind of sweepstakes of the art world, but to give the highest quality, most democratic cross section of current art, to afford the Carnegie Institute an opportunity to add to its collection (by purchase awards), and to provide a rather isolated public with a triennial look at the art of its time. The Carnegie tradition which he is responsible for maintaining dates back to 1896, and the reputation which he must uphold is of one of the few and most generous international centers for the recognition of artistic talent.

Such, at least, can be inferred from the catalogue of the retrospective exhibition of previous Carnegie internationals. Since it lists all past prizes and juries in the institution's long history, this is an incriminating as well as a revealing document. Among the first prize winners, for instance, there is a liberal sprinkling of names whose repute in modern art has been about as estimable and lasting as the pictures in old-time Balaban and Katz theatres. The name Cecilia Beaux has a certain period charm, but it is not known to historians of 20th-century art. Before 1923, the only two awards of any stature whatsoever went to Winslow Homer and Thomas Eakins. The former, however, was given only an honorable mention, and the latter ran second to one Gaston la Touche. Picasso, Braque, Matisse and Bonnard were either recognized belatedly, or for innocuous efforts. And of those who received no medals from the Carnegie, a partial list would include: Cézanne, Gris, Gauguin, Modigliani, Mondrian, Klee, Leger, Kandinsky, Ensor, Munch, Gonzalez, Miro, Boccioni, Nolde, Gabo, Soutine, Giacometti, Pollock, Gorky, Duchamp, Ernst, Davis—but why go on? None of these painters has even received that most modest of the Pittsburgh awards, the Garden Club Prize. As a gauge of pictorial and sculptural accomplishment in this century, as an index of anything but the most sterile and provincial taste, the Carnegie has been nil. To this tradition, whose chief liability has been the absence of a historical sense, Mr. von Groschwitz is faithful.

However, before remarking on that cataract of nonentity which is the present show, I wonder if it isn't proper to question the function of all such shows. They are unexcelled, of course, as stimulants of controversy. But their incomparable scale and incomprehensible prestige also serve to lift those few elected from the mass to a Valhalla presuming to exist above controversy. Artistic values may be always changing, but this very reason should prevent us from supporting and giving credence to the decision of any corporate or bureaucratic structure. Their compromises of judgment are the least reliable and flexible that can be made —a condition which often includes the museums as well as the internationals. (Although, in this respect, both would have to go quite far to equal the wasteful effect of grant-awarding foundations like the Guggenheim.)

As for the giving of prizes, nothing is in a more obvious impasse. If financial recognition is to be conferred upon elder statesmen, or even well-established practitioners (as is more or less the present situation), this recognition is so insultingly beneath the price such an artist can receive for his work on the open market that its effect is almost the opposite of its intention. (This happened to Giacometti at the Guggenheim Museum International Award show last season.) If, on the other hand, discovery of new and young talent becomes the justification of international prizes, then the *biennale* system, so alien to the *avant-garde*, has to be abandoned. In point of fact, reputations of artists are made by their impact on other artists, and by the acknowledgment of this by certain collectors and critics—but only in an enviornment in which an artistic dynamic exists in the first place. Of-

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ficial canonization at a large international show thus falls neither into the category of patronage nor of insight, and would be perfectly redundant did it not tend to convince the public of the "blue chip" status of this or that particular figure (as it is doing of Rauschenberg through his prize at Venice last summer).

It is by this pandering to public response that events like the Carnegie stand most condemned. *Biennale* organizers have long since given up selectivity and abdicated judgment in their attempt to meet an at best dubious social responsibility. They present everything that is available—good, bad, foreign, local, conservative, advanced—hoping thereby to escape the onus of being unfair or unrepresentative. Even film festivals are not half so timorous. It would be hard to find anything more inimical to artistic understanding or to contemporary art than the conformist, egalitarian syndrome of these mammoth exhibitions. Far from facing up to a civic obligation, the *biennales* only reveal the insecurity of their perpetrators, and disseminate the most confused, erroneous picture of what is happening. Without focus, without point, without any viable authority (as is witnessed by their past records), these recurring artistic fiascoes undermine at each appearance the idea that society should put any value whatsoever on art.

One would like to investigate, also, the feeling prevalent at such shows that cosmopolitanism as such is a virtue. Before communications became so efficient, international displays brought home some new information; perhaps even now the location of these affairs in cities completely undistinguished by art of their own benefits disadvantaged native artists—assuming them to have enough discrimination to make sense out of the morass. But the premise of representing as many countries as possible (when artistic vitality or even sophistication favors so few countries) is untenable. As late as the fifties, one could almost substantiate the existence of an international style, however unevenly it was embodied. But today, the United States and Britain are seen to have broken away and taken on the burden of artistic exploration in highly indigenous styles, while the Esperanto of the last decade stagnates in Europe and in those newly emerging countries for whom Europe is still a center of visual art, e.g., Israel. It is in the nature of *biennales* not to recognize these shifting patterns, and to ignore the imbalances of energy and ambition which divide art into lively and moribund. At the moment, it is as provincial to honor continental art as it would have been, fifty or thirty years ago, to ignore it.

These are the circumstances under which the director of the Carnegie Institute has mounted an exhibition which is phenomenally retrograde, even for events of this kind. It consists of 401 works from thirty-five countries, and is thought by its organizer to be limited in the number of pieces that could be included. Those that made the grade tended to be exhibited alphabetically by artist's name, at least in the American section. There was, however, some naive confusion between the citizenship and the working place of various exhibitors: thus Kokoschka, a British citizen, is in the British section; but Zao Wou-Ki, a School of Paris painter, is listed from the National Republic of China. Six prizes of $2,000 (they have eliminated hierarchical distinctions this year), were awarded on a dutifully international basis: Saura, Soulages, Kelly, Pasmore, Chillida and Arp. In the catalogue foreword by Mr. von Groschwitz, which ranges in reference from Egyptian statues to laser beams, one finds the statement, "The difference between Rembrandt and Kline is that the former paints an easily recognizable subject and Kline does not." Aside from such *aperçus*, there is no awareness of art in 1964, and I am afraid that all the time, effort and money poured into the Carnegie International has emphasized, rather than minimized, this drawback.

In the American section, for instance, are discovered squadrons of regionalists and realists (Gwathmey, Burchfield, Cameron Booth), favored in anthologies of the forties, and one is surprised, and a little touched, to see that they are still working. Lost in the swamp are a few Abstract Expressionists, and fewer still of their successors. One will not learn from this exhibition that American art is a dialogue between pop, various forms of abstraction (color field and optical), and assemblage, or that there is any advanced work in Washington, Chicago and Los Angeles, or that sculpture is in the hands of a generation younger than David Smith, who wasn't included anyhow. (The British are comparably misrepresented.) It is not that issues are fudged; there has simply been no understanding that there are issues. The Carnegie has, in fact, accomplished the stupifying and herculean act of making American art look like a provincial backwater of European modernism. This is a scandal all right, but a dreary one. Until some professional common sense begins to rule the scene, I don't see why this, my first report on an international show, should not also be my last.

MAX KOZLOFF

MUSIC

ORCHESTRAL VARIATIONS

An interesting aspect of the current musical season is the unusual liveliness in orchestral activity. Perennially, this has been a vexing paradox in our musical life; the richness and quality of our orchestral resources, and the unique public interest and support they attract, have been in striking contrast to the meager advantage taken of them to provide challenging, imaginative, or even simply varied programing. But thus far this season, a new attitude seems to be asserting itself, in a variety of approaches. In New York, for example, both the Carnegie Hall International Festival of Visiting Orchestras (whose first season last year was an almost total disaster from any point of view) and the newly formed Festival Orchestra have attempted to establish themselves on the New York scene by filling the large gap which the Philharmonic leaves in the repertory between the routinely conventional and the sensationally marginal. Thus the Visiting Orchestras series includes at least one 20th-century work on each program, and offers the prospect of becoming a minor festival of 20th-century orchestral classics that have remained almost unheard in New York (including, up to now, the Schoenberg Orchestral Variations and Stravinsky's *Jeu de Cartes* on the Chicago Symphony's programs, and the Stravinsky Symphony in Three Movements on the London Symphony's). The Festival Orchestra has also scheduled some important early 20th-century works,

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as well as music from the choral-orchestral literature that is almost entirely overlooked by our regular orchestras, and a series of concerts to be conducted by composers (Dallapiccola, Kirchner and Schuller this season).

Outside New York, the Boston Symphony on successive weeks played two of the important American orchestral works that were commissioned for the Louisville Orchestra's recent series: Arthur Berger's Polyphony and Elliott Carter's Variations, both of which, with the exception of one previous performance of the Carter by the Philadelphia Orchestra, have been virtually ignored by all other American orchestras. Among the smaller-city orchestras, the St. Louis Symphony and the Buffalo Philharmonic have been offering extraordinarily bold programs that range over the entire literature of contemporary music, including a massive series of commissions and first performances in St. Louis, and a close correlation with the State University-Rockefeller Foundation project in new music at Buffalo. And even some of the most modest, quasi-professional, American ensembles, perhaps stimulated by their proximity to university communities, have revealed a capacity for adventure that goes far beyond their apparent means and pretensions. Thus one finds the Princeton Symphony, for example, ambitiously performing works like Roger Sessions' *Idyll of Theocritus* and Edward Cone's Violin Concerto, and the New Haven Symphony embarking on a remarkable program of commissions from composers like Dallapiccola, Robert Helps, Donald Martino, Mel Powell and Billy Jim Layton, whose *Dance Fantasy* was given its first performance by the orchestra last month.

All this, for the first few weeks of a new season, is at least impressive for its utter novelty; and although it may appear likely that the conjunction of these events is largely coincidental, the very fact that there have been so many events to conjoin seems to me significant. A far more serious and pertinent question, however, is that of the quality of the individual performances themselves, upon which, after all, the ultimate value of any of these activities must depend. From this point of view, I was particularly interested in the program given by the Chicago Symphony under its new director, Jean Martinon, on the Carnegie Hall series, partly because I remember the orchestra in its Reiner days as the best playing and most timbrally refined among contemporary orchestras, and even more because of the wonderful lucidity of the Schoenberg and Stravinsky performances under the late Hans Rosbaud that I heard in Chicago a few seasons ago. Furthermore, Schoenberg's Orchestral Variations, his first and largest orchestral work in the twelve-tone system, had been played only twice before in New York (by Stokowski and Mitropolous) in the thirty-six years since its composition, and *Jeu de Cartes*, whose remarkable intricacy and subtlety is masked by a bright "pop" surface, is nevertheless one of Stravinsky's least performed works.

Unfortunately, most of this third New York performance of the Schoenberg was hopelessly inadequate; the parts went out of synchronization in the very opening section, then proceeded through a whole range of confused articulations, muddled balances and cruder sonorities than I had imagined the orchestra capable of producing. Throughout, it was obvious that the work simply lay beyond Martinon's capacities for orchestral or conceptual control—he seemed rather to be conducting *at* the piece than really guiding it—and the decision to omit nearly a third of the Finale effectively short-circuited whatever threads of coherence might have remained. Still, there were impressive moments among the individual variations, and the clarity and accuracy of the wind playing (mainly in the clarinets and oboes; the bassoon seems now to be a markedly weak element in the ensemble) remain untouchable.

Jeu de Cartes, on the other hand, with its strong associative semblances to traditional rhythm, texture and articulation, was obviously far more congenial to Martinon; in fact, he conducted much of it with the assurance of considerable familiarity. Accordingly, the old Chicago purity of attack and sonority emerged again as though several layers of blanketing had been suddenly removed from the instruments on stage. But even here, despite many bright details and successful longer passages wherever a uniform metric and texture was maintained, Martinon's apparent inability to conduct over a rhythmic or tempo transition, or to bridge an articulative break, still proved an ultimately disruptive factor. Again, a large, gratuitous cut (after the introduction of the third movement) only deepened the overall disintegration. In the end, however, it was mainly the orchestra itself that one regretted; Stravinsky and Schoenberg will survive, but it is hard to see how the Chicago Symphony can recover from the decline in discipline and refinement that is already so unmistakable in its playing under Martinon.

Since the Festival Orchestra is a new group, no nostalgic regrets are involved; however, one may wish that money and effort of the magnitude expended on its organization would sometimes be made available to genuinely professional and responsible projects, which the Festival Orchestra in most of its aspects evidently is not. To begin with, Thomas Dunn, its "regular" conductor, clearly is not equipped to conduct music of the difficulty of the Stravinsky *Von Himmel Hoch* transcription or *l'Histoire du Soldat*. At best, his time-beating is steady, but the absence of connective control, articulation, rhythmic definition, balance—anything with which a conductor is normally expected to supplement his activities as a simple metronome—is really incredible for an enterprise that proclaims itself the quasi-official "second orchestra" of Philharmonic Hall and that has drawn some of the most prestigious financial support available in a city where the proliferation of competent conductors of contemporary music has become almost an embarrassment (the names of Schuller, Weisberg, Meier, Bloom and Farberman come immediately to mind).

In the performance of the *Von Himmel Hoch* variations, it might have been possible to attribute the bewildering non-correlation between what one expected from reading the score and what was being produced by the orchestra to one's relative unfamiliarity with the work's sound; but the completely familiar *Histoire* (familiar, that is, except for a farcical rewrite of the text spoken by José Ferrer, whose presence further demonstrated how "official" the affair was) also emerged as a dull, undifferentiated buzz, in which the players were not only kept together indifferently, but were frequently misled as to entrances, cutoffs, meter and phrasing, to the point where they revealed their utter frustration by muffing some of the simplest passages.

Unquestionably, an institution fulfilling the function designated for itself by the Festival Orchestra could be an essential addition to New York's

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musical resources (it might still be wondered whether the mammoth stage and audience capacity of Philharmonic Hall provide an appropriate environment). And, since the group's personnel seems to include some of the better New York players, there is every reason to expect that the composer-conducted events this season will be of great interest. But the sponsors of the ensemble cannot really expect it to be seriously regarded as a part of New York's musical life if its performances remain on the level of an ambitious *collegium musicum*, while the competition at Carnegie Recital Hall and other similarly unglamorous surroundings continues to offer a thoroughly professional standard for even the most unusual repertory against which any new activity must expect to be judged.

BENJAMIN BORETZ

A second article will deal with some of the recent orchestral performances outside New York.

CHILE

(Continued from page 321)

his program "is not acceptable to the foreign companies, it will be necessary to think of the nationalization of copper." In a campaign letter to Allende, however, he stressed that "nationalization will not be an objective of my government."

But however uncertain the future of the copper controversy, no question looms larger for Chile's new government than its relations with Washington. Frei knows that the loudest cheers from the north on September 5 came only because Communist-backed Allende had been defeated; he must know also that even if he does not nationalize copper, some of his plans will be open to attack both from the State Department and the U.S. Congress.

He will recall that a year ago Senator Wayne Morse blasted Chilean tax policies as "discriminatory" against U.S. investors, and added he would oppose aid for the nation unless they were changed. Since taxes will be one of Frei's weapons to enforce cooperation from Anaconda and Kennecott, Morse and his anti-aid friends will probably have new reasons to yell. (Chile has received $241.3 million under the Alliance for Progress in the past two years, making it, per capita, the second highest beneficiary of U.S. aid.)

On the Cuban issue — where Washington shows little tolerance toward "softies"—Frei and his party could also collide with the United States. Frei opposed OAS sanctions against Castro, begrudgingly went along when President Alessandri cut relations with Havana in August, and now says he will seek inter-American talks on the question after the American election. His goal: "a peaceful solution to the Cuban problem which fundamentally will signify respect for self-determination of people and nonintervention in their internal problems."

With his own Establishment, the copper firms, and some sectors of the United States Government besetting his future, it would appear that Frei has enough problems. Connected to everything else, however, and almost solely responsible for Chile's shift to the Left, is the nation's poverty. It can be studied in statistics, but is revealed most vividly to foreigners by the ragged armies that move from garbage can to garbage can each morning in the streets of Santiago.

Some studies have shown that malnutrition affects nearly half of Chile's 8.5 million inhabitants; meanwhile, population rises 2.5 per cent a year and food production only 1.6 per cent. More than a million persons live in miserable slums—called *callampas* (mushrooms) because they grow out of the dirt; in rural areas daily wages dip as low as 30c. As could be predicted, schooling, housing and health are major problems.

Financial burdens promise to be a continuing frustration to government planners. Each year $300 million of Chile's $500 million foreign exchange must be assigned to interest and amortization on the $1.7 billion foreign debt. Before this situation can be improved, industrialization and agricultural production must be stepped up. Expecting more money both from copper sales and from a declining need to import food as Frei's agrarian reform takes hold, Christian Democratic economists predict that they will "defeat" inflation in three years. It is a back-breaking task, for the cost of living rose 238.8 per cent from 1958-64, 44.3 per cent last year, and 33.1 per cent in the first nine months of this year. Labor groups are expected to get the 100 per cent wage "readjustment" they seek at year's end, and the resulting inflationary boost will be an awkward way to launch an anti-inflation drive.

Congressional support for a new President in his first few months of office is a Chilean tradition, but Communists and Socialists have already announced their "closed opposition" to Frei. The Socialist Party's leader delivered a scathing attack on the Christian Democrats soon after the election, and one of his top aides told me flatly that "there is no possibility" of party support for Frei. This will be another reason for the President to depend on the right wing, at least until the March Congressional elections when his party is expected to do well.

Intelligent U.S. support for this could be revolution — rather than a blind hailing of Frei as a messiah who will deliver Latin America from Castroism—is essential in the problem-filled six years now beginning for Chile. So far, the backing has not seemed very intelligent, an example being President Johnson's congratulatory statement that "The last six months have been good for democracy in the Americas." Apparently Frei's democratic election on a left-leaning platform is equated in the White House with the Brazilian military take-over that is busily choking reforms.

Eduardo Frei must make some decisions soon. If he lives up to his revolutionary promises, he will alienate his powerful Establishment support and risk opposition from the United States; if he stands still, Chile's problems will deepen, the future will be left to the Cuba-bedazzled Socialists and Communists (whose candidate received 40 per cent of the Presidential vote), and he will betray the slum dwellers, rouse workers and urban laborers whose ballots provided his margin of victory.

Perhaps the Christian Democrats' major contribution during the next six years will be to demonstrate that a revolution is more than building schoolrooms—that it must also change some foundations. Another self-proclaimed revolutionary — one who can show some success despite an economic blockade—has challenged Chile's Christian Democrats to see who can make the greater progress. Fidel Castro, taking note of Frei's support, observed: "We shall see if the feudal and oligarchic structure of the country can be changed by good intentions."

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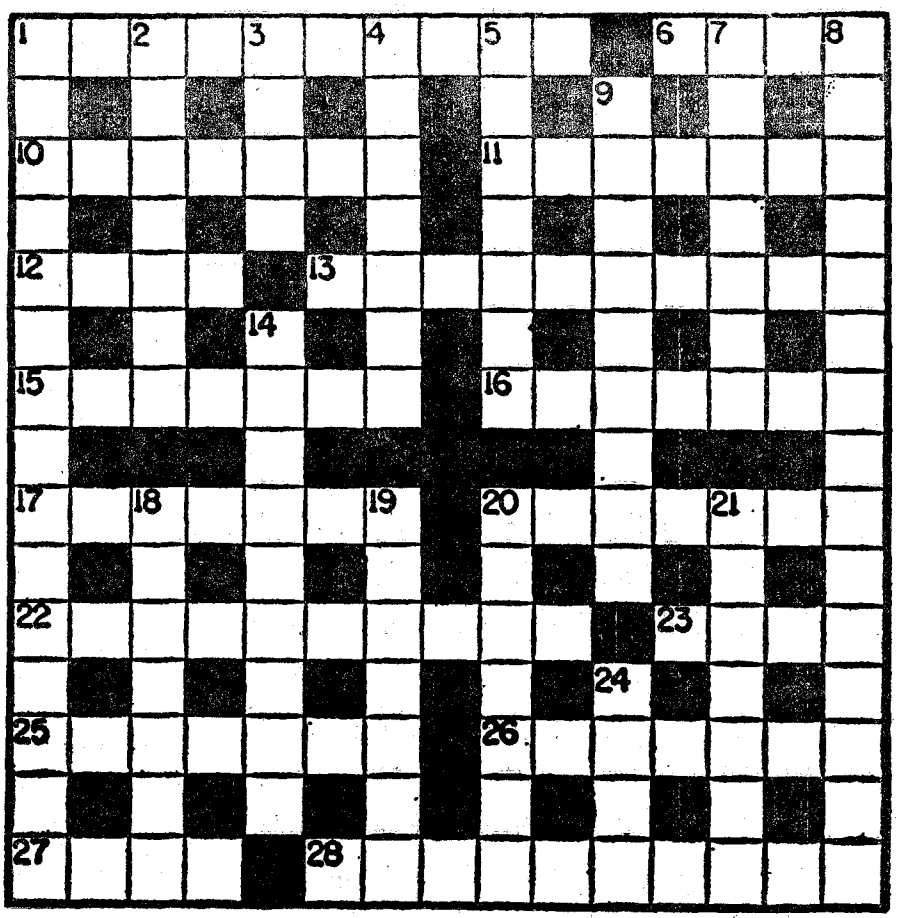
Crossword Puzzle No. 1079

By FRANK W. LEWIS



ACROSS:

1 A small, but highly vocal party. (3, 7)
6 Food and transportation paid by it. (4)
10 This old mare ain't what it used to be—it now has no connection with the territory. (7)
11 and 24 down What the better type might do, when horses don't run? (The worst types are expected to.) (2, 2, 3, 4)
12 Back order, not to sound suggestive! (4)
13 In post-paid letters, it's a way to dash hopes. (10)
15 Heckles those with good points, for the record. (7)
16 Could what might be associated with this make one a lord? (2, 5)
17 Recants what might be considered medium-level communication methods. (7)
20 Would such defense be a Brazilian favorite? (7)
22 A shaker of gin can then prove useful, for a spell. (10)
23 The song of Minos' daughter, with the back end missing. (4)
25 Certainly not a good-looking characteristic. (4, 3)
26 What's the matter? One believes indivisible elements are ultimate. (7)
27 Shakespeare told the ladies not to do it any more. (4)
28 Have some second thoughts about putting it in the side corner? (10)

DOWN:

1 Might a rebus be when set, as informers might also be? (8, 3, 4)
2 135 years in the case of Scotland. (Bolts have it, to some extent.) (7)
3 One wouldn't expect to find agreeable folk at them. (4)
4 What's left about the big pipes. (7)
5 Mean to pull your spirits up with this? (7)
7 Could it be listed in the encyclopedia under "Emmet, Leo"? (7)
8 Might one be responsible for a shocking after-dinner remark? (8, 7)
9 Where people spend the rest of the journey? (4-5)
14 Bakes cold hash, as the daring might try to run. (9)
18 The cat's back? It should be, full of fight! (7)
19 A childish rejoinder, with the drunkard present. (2, 5)
20 To an Englishman, brew trouble with the fish. (7)
21 Fenced off? (7)
24 See 11 across

SOLUTION TO PUZZLE NO. 1078

ACROSS: 1 Cheap; 4 Trusts; 11 Tornado; 12 Algebra; 13 Retrieval; 14 Trill; 15 Mortal enemies; 17, 20 and 5 The customer is always right; 22 Lemma; 24 Endospore; 25 Apricot; 26 Rarebit; 27 Secede; 28 Smith. DOWN: 2 Horatio; 3 Atavistic; 6 Sublime; 7 Stable; 8 Start; 9 Convalescent; 10 Sailing orders; 16 Maelstrom; 18 Homeric; 19 In orbit; 21 Testy; 23 Arced.

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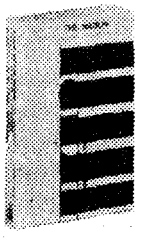

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